

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 22-22359

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5 In the Matter of:

6
7 MARK STEVEN ACKER,

8
9 Debtor.

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11 - - - - -x

12 Office of the United States Trustee

13 Southern District of New York

14 201 Varick Street, Room 1006

15 New York, NY 10014

16 July 20, 2022

17 2:04 p.m.

18
19
20 341 Meeting of Creditors

21
22
23 B E F O R E:

24 SHANNON SCOTT

25 TRUSTEE

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES :</p> <p>2</p> <p>3 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>4 Attorney for the U.S. Trustee</p> <p>5 201 Varick Street, Suite 1006, 10th floor</p> <p>6 New York, New York 10014</p> <p>7</p> <p>8 BY: SHANNON SCOTT</p> <p>9</p> <p>10 KIRBY AISNER & CURLEY LLP</p> <p>11 Attorney for the Debtor</p> <p>12 700 Post Road, #237</p> <p>13 Scarsdale, NY 10583</p> <p>14</p> <p>15 BY: DAWN KIRBY</p> <p>16</p> <p>17 TANNENBAUM HELPERN SYRACUSE & HIRSCHTRITT, LLP</p> <p>18 Attorney for Karen Acker, David Acker, Robert Acker</p> <p>19 900 Third Avenue</p> <p>20 New York, NY 10022</p> <p>21</p> <p>22 BY: MICHAEL RIELA</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 PROCEEDINGS</p> <p>2 MS. SCOTT: Hello?</p> <p>3 MS. KIRBY: Yes. Just give me one second.</p> <p>4 MS. SCOTT: All right. All right, everyone. Let</p> <p>5 the record reflect that today is -- good afternoon -- July</p> <p>6 20, 2022. The time is 2:04 p.m. This is the meeting of In</p> <p>7 re Mark Steven Acker, Case Number 22-22359.</p> <p>8 My name is Shannon Scott. I am a trial attorney</p> <p>9 in the Office of the United States Trustee, a component of</p> <p>10 the U.S. Department of Justice, and I am the presiding</p> <p>11 officer at this hearing.</p> <p>12 Pursuant to the Judicial Code, the United States</p> <p>13 Trustee supervises the administration of bankruptcy cases</p> <p>14 under the Bankruptcy Code. The Debtor is required to appear</p> <p>15 to be examined under oath regarding the bankruptcy case. By</p> <p>16 law, the examination must be and is being recorded. All</p> <p>17 persons questioning the Debtor must state their names and</p> <p>18 indicate who they represent.</p> <p>19 At this time, I would like to take appearances of</p> <p>20 who is on the phone. I will start with the Debtor and the</p> <p>21 Debtor's counsel. Please state your name and address for</p> <p>22 the Debtor.</p> <p>23 MS. KIRBY: Good afternoon --</p> <p>24 MR. ACKER: Mark Acker --</p> <p>25 MS. KIRBY: Oh, go ahead, Mark.</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES :</p> <p>2</p> <p>3 DAVIDOFF HUTCHER & CITRON LLP</p> <p>4 Attorneys for Karen Acker, David Acker</p> <p>5 605 Third Avenue</p> <p>6 New York, BY 10158</p> <p>7</p> <p>8 BY: JAMES GLUCKSMAN</p> <p>9 ROBERT RATTET</p> <p>10 MAX DUVAL</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Transcribed by: Sonya Ledanski Hyde</p>	<p style="text-align: right;">Page 5</p> <p>1 MR. ACKER: Mark Acker, 2305 Round Pointe Drive,</p> <p>2 Haverstraw, New York 10927.</p> <p>3 MS. SCOTT: Okay, and --</p> <p>4 MS. KIRBY: And Dawn Kirby --</p> <p>5 MS. SCOTT: Go ahead.</p> <p>6 MS. KIRBY: Dawn Kirby, Kirby Aisner & Curley,</p> <p>7 representing the Debtor.</p> <p>8 MS. SCOTT: Okay. Just one thing, for example,</p> <p>9 Mr. Acker, you kind of broke up. If you're on speaker, it</p> <p>10 might be best to just not be on speaker or put yourself very</p> <p>11 close to the phone. A lot of the answer was in and out and</p> <p>12 it just wasn't clear.</p> <p>13 All right. I'm going to take the next appearance</p> <p>14 --</p> <p>15 MR. ACKER: Okay.</p> <p>16 MS. SCOTT: I will clarify on the record though</p> <p>17 after I swear you in the Debtor's address and whatnot. But</p> <p>18 I want to take the creditors' appearances. One by one, can</p> <p>19 one person go and let's try and do this orderly. Proceed.</p> <p>20 MR. RIELA: Good afternoon, Ms. Scott. My name is</p> <p>21 Michael Riela, from the law firm Tannenbaum Helpern Syracuse</p> <p>22 & Hirschtritt. I'm representing Karen and David Acker with</p> <p>23 respect to the meeting today. I understand that both Karen</p> <p>24 and David are also dialed in, as well as their uncle, Robert</p> <p>25 Acker.</p>

<p style="text-align: right;">Page 6</p> <p>1 MS. SCOTT: Okay. Okay. That was very clear. 2 Thank you. An y other creditors on the phone? 3 MR. GLUCKSMAN: Yes. We represent Mark and Karen 4 -- David and Karen as well. Davidoff Hutcher & Citron, 5 James Glucksman. And I think is Robert Rattet on the line 6 as well as Max DuVal? 7 MR. RATTET: (Indiscernible) on the line. 8 MR. GLUCKSMAN: Okay, and we are for Karen and 9 David Acker. 10 MS. SCOTT: Okay. Are you like -- can you explain 11 why there's two counsel? I mean, is one a specific counsel 12 for a specific reason? 13 MR. RIELA: Sure. Let me explain this. This is 14 Michael Riela. I had been involved in this case through 15 now. I am actually leaving my law firm effective this 16 Friday to take an in-house counsel job. So the Davidoff 17 firm after today is going to represent David and Karen 18 throughout the case. 19 I'm involved with today because I've had a little 20 bit of involvement with matters prepetition and Karen and 21 David thought it would be most efficient for me to handle 22 the questioning for today's meeting. But after today's 23 meeting, you will not see me again. 24 MS. SCOTT: All right. Perfect. Thank you. 25 Okay. Anyone else?</p>	<p style="text-align: right;">Page 8</p> <p>1 MS. SCOTT: Do you wish to make any amendments to 2 the petitions, schedules or statements at this time? 3 MR. ACKER: Dawn has one -- 4 MS. KIRBY: This is Dawn Kirby -- 5 MR. ACKER: Yeah. 6 MS. KIRBY: There is one change. We went over 7 everything in detail before this call, and I mistakenly 8 listed a company named MSA Consulting Corp, which actually 9 belongs and has for a very long time to the Debtor's wife, 10 not the Debtor. So I'm going to need to make an amendment 11 on that. 12 MS. SCOTT: Okay, and Mr. Acker, you have 13 authorized the filings of the petitions, schedules, 14 statements and related documents in this case; is that 15 correct? 16 MR. ACKER: Yes, ma'am. 17 MS. SCOTT: Okay. Have you ever filed for 18 bankruptcy before? 19 MR. ACKER: No. I have not. 20 MS. SCOTT: And have you established a post- 21 petition bank account, a debtor in possession bank account 22 at this time? 23 MR. ACKER: I did. But it was -- the bank kind of 24 messed up (indiscernible) I've had to do it now. 25 MS. SCOTT: Okay.</p>
<p style="text-align: right;">Page 7</p> <p>1 MR. RIELA: You're welcome. 2 MS. SCOTT: Thank you. Okay. Anybody else that I 3 haven't heard from? Okay. Will the Debtor please raise 4 your right hand? Mr. Acker -- 5 MR. ACKER: It's raised. 6 MS. SCOTT: Okay. Mr. Acker, do you swear or 7 affirm to tell the truth, the whole truth and nothing but 8 the truth? 9 MR. ACKER: Yes. I do. 10 MS. SCOTT: Okay, and I know you answered this 11 before. But you were breaking up a little bit. So will you 12 please state your full name, current address and last four 13 digits of your Social Security for the record? 14 MR. ACKER: Okay. It's Mark Acker. It's 2305 15 Round Pointe Drive in Haverstraw, New York 10927, and the 16 last four digits, 2375. 17 MS. SCOTT: Thank you. That was much clearer. 18 And Ms. Kirby, can you please make your appearance on the 19 record for the Debtor? 20 MR. ACKER: Good afternoon. Dawn Kirby, Kirby 21 Aisner & Curley, representing the Debtor. Thank you. 22 MS. SCOTT: Thank you. Mr. Acker, did you read 23 the petitions, schedules, statements and related documents 24 before you signed them? 25 MR. ACKER: Yes, ma'am.</p>	<p style="text-align: right;">Page 9</p> <p>1 MR. ACKER: With the DIP account. 2 MS. KIRBY: This is Dawn. I can clarify. Mr. 3 Acker was -- prepetition banked with Chase which, as we all 4 know on this call, will only sometimes do DIP accounts for 5 existing clients. Mr. Acker went and asked for that and 6 brought the proof of the bankruptcy filing and somebody 7 opened up an account which he believed was a debtor in 8 possession account. But when he provided me the documents, 9 it was very unclear. 10 So he went back to the bank, and the fellow who 11 opened the account said, well, I'm not sure what that is. 12 Let me talk to my supervisor and we'll call you when we can 13 take care of it. So we're working on it. 14 MS. SCOTT: Okay. 15 MS. KIRBY: We may have to use a different bank if 16 ultimately they won't do. 17 MS. SCOTT: Okay. I will say just for that 18 purpose, I'm going to leave the meeting open. But I'll get 19 to that at the end of the -- at the end of the meeting. 20 Okay. Mr. Acker, what type of insurance do you presently 21 have? 22 MR. ACKER: Personal insurance, like life 23 insurance? 24 MS. SCOTT: Yeah. Any type of insurance. Do you 25 have auto, medical, homeowner's, renter's?</p>

<p style="text-align: right;">Page 10</p> <p>1 MR. ACKER: Yeah. Yeah. I have life insurance 2 and on one vehicle, one trailer, I have vehicle insurance 3 and trailer insurance. 4 MS. SCOTT: Okay, and homeowner's? 5 MR. ACKER: Homeowner's? It's a little 6 complicated. But I believe I have a percentage in a 7 homeowner's. I'm not sure. I have to kind of leave that to 8 Dawn because we've been trying to figure that out. 9 MS. KIRBY: I can clarify. Mr. Acker and his wife 10 use an insurance agent who sent over maybe ten pages of 11 documents to me. However we need to arrange a call with the 12 insurance agent because the first set of documents go from 13 Page 4 of 8 through Page 8 of 8 (indiscernible) documents, 14 same thing, go through Page (indiscernible) there are things 15 that are missing here. 16 MS. SCOTT: Okay. 17 MS. KIRBY: It seems apparent from what's here, 18 although it's confusing, that there's renter's insurance, 19 that there is homeowner's insurance and (indiscernible) 20 insurance. 21 MS. SCOTT: Okay. Okay. So -- 22 MS. KIRBY: But I need to work on getting you the 23 full documents and confirm all that and -- 24 MS. SCOTT: Okay. That's -- okay. That's an open 25 item then. So Mr. Acker, you list 47 Tranquility Road,</p>	<p style="text-align: right;">Page 12</p> <p>1 value of the portion you own which is listed on the 2 schedules is \$750,000; is that correct? 3 MR. ACKER: After I pay the mortgage, yes. 4 MS. SCOTT: Okay. 5 MS. KIRBY: I'm sorry. Mr. Acker (indiscernible) 6 question correctly -- 7 MR. ACKER: No, no. That's -- that's -- yeah, 8 that was -- 9 MS. KIRBY: Mr. Acker, on the PDF of the schedules 10 that you have in front of you, it's on Page 3 of 36, that's 11 where Ms. Scott is looking. And if you do recall, you 12 called me and we went over this question a day ago. 13 MS. SCOTT: Right. I'm not asking about the 14 mortgage technically. I'm only asking about the percentage 15 -- the current value of the portion you own as an individual 16 debtor. 17 MR. ACKER: I would say -- but I'm kind of 18 confused. What does the mortgage take first? Because, I 19 mean, obviously the 750 and 750 split is \$1.5 million. But 20 that doesn't include paying the mortgage. 21 MS. SCOTT: Right. I'm not asking you about the 22 mortgage. I'll get to that question in a minute. I'm just 23 asking the percentage of -- 24 MR. ACKER: Okay. 25 MS. SCOTT: -- your portion of the value that you</p>
<p style="text-align: right;">Page 11</p> <p>1 Suffern, New York on your schedules as property owned as a 2 joint tenant; is that correct? 3 MR. ACKER: That's -- 4 MS. SCOTT: Okay, and you own that with your wife? 5 MR. ACKER: That is correct. 6 MS. SCOTT: Okay, and it's not tenancy by the 7 entirety? 8 MR. ACKER: I'm not sure what that means. I'm 9 sorry. 10 MS. SCOTT: Okay, and you listed the value as \$1.5 11 million; is that correct, the value of the entire property - 12 - 13 MR. ACKER: That's -- 14 MS. SCOTT: -- not just your interest; is that 15 correct? 16 MR. ACKER: That's -- yes. 17 MS. SCOTT: Okay. So you also list the current 18 value of the portion you own as \$750,000; is that correct? 19 MR. ACKER: Just bear with me for one second. 20 MS. SCOTT: Sure. 21 MR. ACKER: There's a mortgage (indiscernible) so 22 that may be high. I don't know how that would work. 23 MS. SCOTT: Well, I guess my point is that you're 24 claiming a joint tenancy. So you're claiming that the 25 percentage of value is half of the \$1.5. So the current</p>	<p style="text-align: right;">Page 13</p> <p>1 own is \$750,000 is what you listed; is that correct? 2 MR. ACKER: That's correct. 3 MS. SCOTT: Okay. Just bear with me. if I'm 4 silent, it's because I'm on my computer taking notes. Okay, 5 and on Schedule D for the creditors who have claims secured 6 by property, you list PHH Mortgage Services, and the amount 7 of the claim, and this is secured by, as listed, the 8 property at 47 Tranquility Road, you list the amount of the 9 claims of the secured creditor as approximately \$699,000; is 10 that correct? 11 MR. ACKER: That's correct. 12 MS. SCOTT: Okay. 13 MS. KIRBY: And I don't know if you want 14 additional information. But that's the amount of the proof 15 of claim that they filed. That's where we got that number. 16 MS. SCOTT: Oh, okay. Okay. That's good to know. 17 Thank you. Mr. Acker, you list on creditors who have 18 unsecured claims an Internal Revenue Service claim in the 19 amount of \$70,244.02 and a priority amount of \$66,475.28. 20 What is that? What is that derived from? Is that just 21 general IRS personal tax claims? 22 MR. ACKER: No. There was a period in 2019 that I 23 needed to cash out my IRAs and my investment, and there were 24 penalties on that just because I had to pay attorney fees 25 and stuff like that.</p>

<p style="text-align: right;">Page 14</p> <p>1 MS. SCOTT: Okay.</p> <p>2 MR. ACKER: So that's where that came from.</p> <p>3 MS. SCOTT: All right, and Mr. Acker, what is your</p> <p>4 occupation currently?</p> <p>5 MR. ACKER: Completely disabled at this time.</p> <p>6 MS. SCOTT: Okay, and what did you do prior to</p> <p>7 being disabled?</p> <p>8 MR. ACKER: I was a police officer in Rockland</p> <p>9 County, New York. I worked for two agencies.</p> <p>10 MS. SCOTT: Okay, and how long were you engaged in</p> <p>11 that line of work?</p> <p>12 MR. ACKER: Thirty (indiscernible) --</p> <p>13 MS. SCOTT: I'm sorry. You cut out. Thirty?</p> <p>14 Thirty?</p> <p>15 MR. ACKER: Thirty years. Thirty years. That's</p> <p>16 correct.</p> <p>17 MS. SCOTT: Thirty years. Okay, and how -- can</p> <p>18 you describe what put you on disability? What happened?</p> <p>19 MR. ACKER: Yeah. I was a -- I'm a police</p> <p>20 motorcycle instructor, and I was going to a detail in New</p> <p>21 Jersey and catastrophic failure on my motorcycle which put</p> <p>22 me down the Palisades Parkway, and then I had a near fatal -</p> <p>23 - it was basically a near fatal accident.</p> <p>24 MS. SCOTT: Okay. So was that -- I mean, you were</p> <p>25 on your way to work? Did you receive any compensation from</p>	<p style="text-align: right;">Page 16</p> <p>1 I just want to clarify on the record that the</p> <p>2 Debtor does not have any ownership interest directly or</p> <p>3 indirectly in your non-debtor wife's business or businesses;</p> <p>4 is that correct?</p> <p>5 MR. ACKER: That's correct.</p> <p>6 MS. SCOTT: Okay, and I notice the Debtor did not</p> <p>7 list any payments to any monthly credit card as expenses on</p> <p>8 the petition and schedules. Does the Debtor make any</p> <p>9 payments, credit card payments, any monthly credit card</p> <p>10 payments?</p> <p>11 MR. ACKER: (indiscernible) small amount to</p> <p>12 American (indiscernible) that's it.</p> <p>13 MS. SCOTT: I'm sorry. That --</p> <p>14 MR. ACKER: My wife pays those bills.</p> <p>15 MS. SCOTT: Okay.</p> <p>16 MR. ACKER: (indiscernible) pays them. I don't</p> <p>17 pay them.</p> <p>18 MS. SCOTT: So your wife pays your credit card</p> <p>19 bills?</p> <p>20 MR. ACKER: Yes.</p> <p>21 MS. SCOTT: Okay.</p> <p>22 MR. ACKER: Well, yeah. I would say yes.</p> <p>23 MS. SCOTT: And are you living at the residence,</p> <p>24 your -- the home that you own with your wife? Do you live</p> <p>25 there?</p>
<p style="text-align: right;">Page 15</p> <p>1 your employer for that? Can you describe how that works?</p> <p>2 MR. ACKER: Yes. I was -- I was already</p> <p>3 (indiscernible) already. So I was on (indiscernible) on</p> <p>4 going to Jersey. I receive every two weeks \$716.</p> <p>5 MS. SCOTT: Okay, and that's worker's</p> <p>6 compensation?</p> <p>7 MR. ACKER: That's correct.</p> <p>8 MS. SCOTT: And do you receive disability from</p> <p>9 either the state or your employer at all, any other</p> <p>10 disability?</p> <p>11 MR. ACKER: I'm taking SSDI. It's Social Security</p> <p>12 Disability.</p> <p>13 MS. SCOTT: Okay. So your income since the</p> <p>14 accident which was prepetition and currently is the worker's</p> <p>15 comp and the SSDI; is that correct?</p> <p>16 MR. ACKER: That's correct.</p> <p>17 MS. SCOTT: And do you have any other sources of</p> <p>18 income?</p> <p>19 MR. ACKER: No, ma'am.</p> <p>20 MS. SCOTT: Okay. I did want to clarify that I</p> <p>21 believe the analyst at the U.S. Trustee's office at the IDI</p> <p>22 meeting, it was answered or testified that your wife, who's</p> <p>23 not -- a non-debtor, she is involved in some businesses, as</p> <p>24 well as Ms. Kirby stating she's going to be amending the</p> <p>25 petition.</p>	<p style="text-align: right;">Page 17</p> <p>1 MR. ACKER: No. We do not.</p> <p>2 MS. SCOTT: So do you -- okay. So do you rent?</p> <p>3 Do you rent the premises where you live now? I'll get to --</p> <p>4 I'll get to the property. But do you pay rent to someone</p> <p>5 and live -- because you don't live there?</p> <p>6 MR. ACKER: Yes (indiscernible) to the</p> <p>7 (indiscernible) location.</p> <p>8 MS. SCOTT: I'm sorry. You broke up a little bit.</p> <p>9 I heard you said you pay rent and then what did you say?</p> <p>10 MR. ACKER: In Haverstraw. That's the Haverstraw</p> <p>11 address I gave you earlier.</p> <p>12 MS. SCOTT: Okay. Okay, and how much is that rent</p> <p>13 monthly?</p> <p>14 MR. ACKER: It's about \$3,400. My wife also pays</p> <p>15 that as well.</p> <p>16 MS. SCOTT: Okay, and so -- just give me a second.</p> <p>17 So the property that you own in Suffern, is that vacant?</p> <p>18 MR. ACKER: That is correct. It's vacant.</p> <p>19 MS. SCOTT: Okay, and is the mortgage in the</p> <p>20 Suffern property, is that being paid up to date? Is there a</p> <p>21 foreclosure action? What is the status?</p> <p>22 MR. ACKER: It's paid up to date. My wife is</p> <p>23 paying that as well.</p> <p>24 MS. SCOTT: Okay, and how about real estate taxes?</p> <p>25 MR. ACKER: Taxes, we're behind by I think</p>

<p style="text-align: right;">Page 18</p> <p>1 (indiscernible) --</p> <p>2 MS. SCOTT: I'm sorry. I don't know if I heard --</p> <p>3 I heard you say you were behind by I think, and then I</p> <p>4 didn't hear anything.</p> <p>5 MR. ACKER: Yeah. Two years.</p> <p>6 MS. SCOTT: Okay. Two years, and that's property</p> <p>7 taxes?</p> <p>8 MR. ACKER: That's correct.</p> <p>9 MS. SCOTT: All right, and I want to ask you about</p> <p>10 the legal actions listed. If you can -- I'll just go one by</p> <p>11 one. There's two here. Chubb National Insurance v. Mark</p> <p>12 Acker, could you please give me the status of that action?</p> <p>13 MR. ACKER: I was in -- I was T-boned on patrol in</p> <p>14 my squad car on my village and the individual who hit me</p> <p>15 maxed on his insurance at \$25,000. So the attorney is going</p> <p>16 after Chubb for the balance of what he feels is the</p> <p>17 reasonable compensation.</p> <p>18 MS. SCOTT: Okay. So the insurance company, your</p> <p>19 insurance company, your employer's insurance company or the</p> <p>20 uninsured --</p> <p>21 MR. ACKER: No, mine.</p> <p>22 MS. SCOTT: Yours</p> <p>23 MR. ACKER: My insurance company.</p> <p>24 MS. SCOTT: Okay. Because it says Chubb v. Mark</p> <p>25 Acker.</p>	<p style="text-align: right;">Page 20</p> <p>1 unsecured debt that's listed on 4.8 for the Estate of</p> <p>2 Stanley Acker?</p> <p>3 MR. ACKER: What page is that on?</p> <p>4 MS. SCOTT: Sixteen of thirty-six.</p> <p>5 MR. ACKER: Okay. That's the judgment.</p> <p>6 MS. SCOTT: Okay. It's a judgment. So the --</p> <p>7 MR. ACKER: That's the judgment.</p> <p>8 MS. SCOTT: Okay, and that was -- was that</p> <p>9 litigated in state court?</p> <p>10 MR. ACKER: In West Palm Beach --</p> <p>11 MS. SCOTT: I'm sorry. I didn't hear the last --</p> <p>12 what was that?</p> <p>13 MR. ACKER: That was in West Palm Beach.</p> <p>14 MS. SCOTT: West Palm Beach. Okay, and what was</p> <p>15 the subject matter of the now judgment?</p> <p>16 MR. ACKER: It's still out there, still pending.</p> <p>17 MS. SCOTT: Okay. What was the dispute?</p> <p>18 MR. ACKER: An estate matter in regards to, oh God</p> <p>19 -- there was a dispute in regards to opinions as far as how</p> <p>20 the estate was being run and what I felt was correct and</p> <p>21 what the other two parties felt was correct, and the dispute</p> <p>22 -- the tail end of the trial, over the last four days of the</p> <p>23 trial, three or four days of the trial took place after my -</p> <p>24 - I had the near fatal accident. And I wasn't in a position</p> <p>25 to defend myself, and the last four days of the trial</p>
<p style="text-align: right;">Page 19</p> <p>1 MR. ACKER: The other --</p> <p>2 MS. SCOTT: It says you're the defendant.</p> <p>3 MR. ACKER: Yeah.</p> <p>4 MS. SCOTT: Okay.</p> <p>5 MR. ACKER: Did I answer that correctly?</p> <p>6 MS. SCOTT: Well, there may be some cross-claims.</p> <p>7 But what is the status? Is there any -- there's no judgment</p> <p>8 in that case; is that correct?</p> <p>9 MR. ACKER: Yeah. There's no (indiscernible) at</p> <p>10 all in that. No.</p> <p>11 MS. SCOTT: Okay, and I see that's a 2022 case.</p> <p>12 So it's fairly recent; is that correct?</p> <p>13 MR. ACKER: That's correct.</p> <p>14 MS. SCOTT: Okay, and the Rogers, Habas & Eisen v.</p> <p>15 Mark Acker and Rochelle Acker, what is that case? What is</p> <p>16 the subject matter of that case?</p> <p>17 MR. ACKER: That was also an estate matter. But</p> <p>18 that was satisfied. So they just never removed it off the</p> <p>19 docket.</p> <p>20 MS. SCOTT: Oh, okay. I'm getting to another set</p> <p>21 of questions. Just give me a second.</p> <p>22 MR. ACKER: Not a problem.</p> <p>23 MS. SCOTT: Ms. Kirby, can you just point me to</p> <p>24 the -- oh, I found it. Okay. Never mind. Okay. Can you</p> <p>25 give me some background and an explanation as to the</p>	<p style="text-align: right;">Page 21</p> <p>1 destroyed me. Basically that's what happened.</p> <p>2 MS. SCOTT: Okay. Is this a default judgment?</p> <p>3 MR. ACKER: I don't believe so.</p> <p>4 MS. SCOTT: Okay, and you had counsel representing</p> <p>5 you at the time?</p> <p>6 MR. ACKER: The counsel representing me at the</p> <p>7 time was part-time after I had the accident. She didn't --</p> <p>8 she said she was only going to deal with the defense but not</p> <p>9 do anything on the offense, and that's the reason why I feel</p> <p>10 there's -- the failure of this case came against me.</p> <p>11 MS. SCOTT: Are you -- have you made any attempt</p> <p>12 to dispute the judgment in the court that issued it?</p> <p>13 MR. ACKER: We tried to appeal it, and the appeal</p> <p>14 did not work as well because I just -- as I said, I don't</p> <p>15 have -- I didn't have and I don't have the money for</p> <p>16 aggressive legal (indiscernible) --</p> <p>17 MS. SCOTT: Okay, and to confirm, the Estate of</p> <p>18 Stanley Acker is your father; is that correct?</p> <p>19 MR. ACKER: That's correct.</p> <p>20 MS. SCOTT: Okay. Have you filed your annual tax</p> <p>21 returns? Did you file for 2021?</p> <p>22 MR. ACKER: '19, '20, '21. I believe I did. Yes.</p> <p>23 MS. SCOTT: Okay. Are you entitled to any</p> <p>24 refunds?</p> <p>25 MR. ACKER: \$400 I think was one refund. The</p>

<p style="text-align: right;">Page 22</p> <p>1 other one was \$50.</p> <p>2 MS. SCOTT: Okay. Do you individually have any</p> <p>3 ownership interests in any business, either directly or</p> <p>4 indirectly?</p> <p>5 MR. ACKER: No. I do not.</p> <p>6 MS. SCOTT: Do any businesses or individuals owe</p> <p>7 you any money?</p> <p>8 MR. ACKER: Yes. But the money that's owed is</p> <p>9 money that (indiscernible) insurance company on the police</p> <p>10 motorcycle.</p> <p>11 MS. SCOTT: Okay. Is that part of -- can you</p> <p>12 elaborate? I'm sorry.</p> <p>13 MR. ACKER: Well, the police motorcycle was my</p> <p>14 personal vehicle that I used for the escort work. And after</p> <p>15 the accident, it was \$27,000 that they were supposed to pay</p> <p>16 me. But the broker messed up, and I just didn't have the</p> <p>17 assets to dispute it. So it's out there and it's went</p> <p>18 nowhere.</p> <p>19 MS. SCOTT: Okay. Are you saying your employer</p> <p>20 collected it?</p> <p>21 MR. ACKER: No. No one collected it. It was</p> <p>22 never paid by the insurance company.</p> <p>23 MS. SCOTT: Okay. What must be done in order for</p> <p>24 you to successfully reorganize in Chapter 11?</p> <p>25 MR. ACKER: Put it behind me. I don't know. I</p>	<p style="text-align: right;">Page 24</p> <p>1 Acker is also a creditor. I don't represent him personally.</p> <p>2 But he's also a creditor here.</p> <p>3 My questions are obviously going to be focused on</p> <p>4 the documents, Mr. Acker, that you filed with the court. I</p> <p>5 guess maybe before I begin the questions, just so I don't</p> <p>6 forget about it, we will -- we do request the following</p> <p>7 documents from Mr. Acker or his counsel, those being the</p> <p>8 last two years of Mr. Acker's federal --</p> <p>9 MS. KIRBY: Michael?</p> <p>10 MR. RIELA: Yes?</p> <p>11 MS. KIRBY: Michael, you can just send me an</p> <p>12 email. I'll work with you on that.</p> <p>13 MR. RIELA: Okay. Very well. Okay. I will do</p> <p>14 so. But that'll be federal and state tax returns, bank</p> <p>15 statements and other financial accounts as well as a title</p> <p>16 report for the 47 Tranquility Road property. So thank you</p> <p>17 very much, Ms. Kirby (indiscernible) --</p> <p>18 MS. KIRBY: Send me an email. I'm very willing to</p> <p>19 work with you. It's not a problem.</p> <p>20 MR. RIELA: Thank you so much. Okay. So first</p> <p>21 couple of questions I have, Mr. Acker, relate to the 47</p> <p>22 Tranquility Road property. You earlier testified before Ms.</p> <p>23 Scott that you and your family no longer live at that</p> <p>24 property. When did you and your wife move out of that</p> <p>25 property?</p>
<p style="text-align: right;">Page 23</p> <p>1 mean, it's -- the debt is the main issue --</p> <p>2 MS. KIRBY: This is Dawn.</p> <p>3 MR. ACKER: Go ahead, Dawn.</p> <p>4 MS. KIRBY: Well, I mean, Ms. Scott, the Debtor's</p> <p>5 significant asset is 47 Tranquility and has been on the</p> <p>6 market for quite some time. He has a prepetition real</p> <p>7 estate broker who's engaged and still showing the property.</p> <p>8 I'm working with her to finalize retention papers.</p> <p>9 There have been some small bites and offers that weren't</p> <p>10 solid. But it's -- and the market's softened up a little</p> <p>11 bit since the interest rates up to 6 percent. But what our</p> <p>12 goal is, is to find a buyer and sell the property and</p> <p>13 distribute the proceeds --</p> <p>14 MS. SCOTT: Okay.</p> <p>15 MS. KIRBY: -- to creditors.</p> <p>16 MS. SCOTT: All right.</p> <p>17 MS. KIRBY: Yeah, and he knows he has to -- the</p> <p>18 contract has to be approved by the court, the sale has to be</p> <p>19 approved by the court. We've gone over all of that stuff.</p> <p>20 MS. SCOTT: Okay. At this time, I'm going to open</p> <p>21 up the floor to any creditors that wish to ask any</p> <p>22 questions.</p> <p>23 MR. RIELA: Thank you, Ms. Scott. This is Michael</p> <p>24 Riela, of Tannenbaum Helpert again, representing Karen and</p> <p>25 David Acker, who are also on the line. Their uncle, Robert</p>	<p style="text-align: right;">Page 25</p> <p>1 MR. ACKER: Just around four years ago.</p> <p>2 MR. RIELA: Four years ago. Okay. Has anyone</p> <p>3 else other than you or your --</p> <p>4 MR. ACKER: Correct.</p> <p>5 MR. RIELA: I'm sorry. Go ahead.</p> <p>6 MR. ACKER: I said it was approximately four</p> <p>7 years. I'm sorry.</p> <p>8 MR. RIELA: Approximately. Okay. Has anyone else</p> <p>9 other than you and your family lived there since you moved</p> <p>10 out?</p> <p>11 MR. ACKER: I had two renters in the very</p> <p>12 beginning, and then the broker -- the current broker told me</p> <p>13 to not have any current renters and to have the house deep</p> <p>14 cleaned so it would sell, which it still has not.</p> <p>15 MR. RIELA: When did the last renter moved out of</p> <p>16 the house?</p> <p>17 MR. ACKER: Well over a year-and-a-half ago.</p> <p>18 MR. RIELA: And how long have you had this</p> <p>19 property listed for sale?</p> <p>20 MR. ACKER: I think about five years or so.</p> <p>21 MR. RIELA: So you had it listed while you and</p> <p>22 your wife were still there about five years ago and</p> <p>23 continuously throughout --</p> <p>24 MR. ACKER: At the very beginning, correct.</p> <p>25 MR. RIELA: So I'm now going to turn to, Mr.</p>

<p style="text-align: right;">Page 26</p> <p>1 Acker, your schedules, and I'll point you to the specific 2 ones as the questions come up. Earlier you testified to Ms. 3 Scott that you have no interest in any businesses. However 4 have you been a limited partner of the Stanley Acker Family 5 Limited Partnership within the last year? 6 MR. ACKER: Unknown. I can't even answer that. 7 Based on the way the estate's been run, I have no idea what 8 Karen and David have done. So I can't answer that because 9 I'm not sure. 10 MR. RIELA: So you do not know whether you have 11 any partnership or any interest at all in the entity called 12 Stanley Acker Limited Partnership? 13 MR. ACKER: No. I'd have to look into that to 14 find out. 15 MR. RIELA: When you prepared your schedules and 16 statements of financial affairs, did you undertake a 17 specific review of all of the assets such as interest in 18 businesses? 19 MR. ACKER: Could you repeat that? I'm sorry. 20 MR. RIELA: I'm curious as to what level of due 21 diligence you performed in connection with performing your 22 schedules and statements of financial affairs. You told me 23 just now that you'd look into something that I had just 24 asked about. 25 MS. KIRBY: What specifically are you asking?</p>	<p style="text-align: right;">Page 28</p> <p>1 far astray of what the 341 meeting is for. Sir, is there is 2 some information that you would like us to have, please send 3 it to us. But the 341 meeting is not a deposition. So if 4 we could just continue -- 5 MR. RIELA: No. It's fine. Totally agreed. And 6 the purpose of this was to determine whether Mr. Acker has 7 disclosed all of his assets in his schedules. So let me -- 8 just with respect to that, I do have a follow-up question 9 specifically with respect to money that he may have 10 received. 11 Mr. Acker, have you ever received distributions on 12 account of your interest in the Stanley Acker Family Limited 13 Partnership interest in 2021? 14 MR. ACKER: I have received distributions from the 15 Stanley Acker Family Limited Partnership, yes. 16 MR. RIELA: How much did you receive -- 17 MS. KIRBY: Sorry. The specific -- the specific 18 question was in 2021. Did you hear that? 19 MR. ACKER: Oh, I don't -- I don't believe in '21. 20 I think everything was prior to. I think it was '20 and 21 under. 22 MR. RIELA: Okay. How about 2020? 23 MR. ACKER: Again, I can't answer that off the top 24 of my head. I'm sorry. 25 MS. KIRBY: These are very detailed, specific</p>
<p style="text-align: right;">Page 27</p> <p>1 That's a very -- 2 MR. ACKER: In regards to anything which is -- 3 MS. KIRBY: -- broad question. Can you specify? 4 Because even I don't know how to answer that. What are you 5 asking? 6 MR. RIELA: So when you prepared your schedules, 7 your schedules and your statement of financial affairs in 8 particular with respect to Number 19 on Schedule A, it's 9 asking for non-publicly-traded stock and interest in 10 incorporated or unincorporated businesses. What level of 11 review did you do to determine how to answer that particular 12 question? 13 MR. ACKER: When it comes to my own -- you know, 14 my wife's businesses and my stuff or whatever, there's 15 really nothing. But if you're talking in regards to 16 anything estate related, I don't get -- it's very difficult. 17 Karen and David end up doing what they feel they 18 want to do with your firm and they've made adjustments. 19 They've removed me off of the officers and I think even some 20 of the companies they've closed a whole range of companies. 21 And I've received nothing that I was purportedly an owner 22 in. So they've -- they basically left me in the lurch here. 23 They don't cc me on stuff. They make decisions on 24 (indiscernible) basis that I'm not aware of. 25 MS. KIRBY: I think we're getting -- we're very</p>	<p style="text-align: right;">Page 29</p> <p>1 questions we can find the answers to. But people generally 2 don't know things like that off the top of their head, 3 when's the last date you got a distribution. But we will be 4 happy to follow up with the information. 5 MR. RIELA: I appreciate that, and the reason I'm 6 asking, for the benefit of everybody here, including Ms. 7 Scott, is that in the statement of financial affairs, 8 Question Number 5, Mr. Acker said his yearly income from 9 Social Security benefits is \$30,443 (indiscernible) '20 10 Social Security benefits, \$3,048. According to our records, 11 Mr. Acker received approximately \$530,000 from the Stanley 12 Acker Family Limited Partnership interest, his interest in 13 that, in 2021. It's not on the schedules provided with the 14 statement of financial affairs. In 2020, we believe it was 15 (indiscernible) -- 16 MS. KIRBY: Thank you. Would you please send me 17 that information? It sounds like you didn't call me in 18 advance -- 19 MR. RIELA: Sure. 20 MS. KIRBY: -- and there's a lot of information 21 you have that I don't. So I would really appreciate if you 22 would send me what you're talking about. 23 MR. RIELA: I'm sorry. Ms. Scott? I'm sorry. 24 MS. KIRBY: No, no. It's Dawn Kirby. I want to 25 get things right.</p>

<p style="text-align: right;">Page 30</p> <p>1 MR. RIELA: All right.</p> <p>2 MS. KIRBY: So if you are in possession of</p> <p>3 information that I'm not, please reach out to me. I don't</p> <p>4 know that. You know, I'm looking right now at the Question</p> <p>5 Number 5, alimony, child support, Social Security,</p> <p>6 unemployment, public benefits, pension, rental income,</p> <p>7 interest dividends, money from lawsuits, royalty and</p> <p>8 gambling, lottery winnings. I'm not sure it would qualify</p> <p>9 for that answer. But again --</p> <p>10 MR. RIELA: Yeah. Look --</p> <p>11 MS. KIRBY: -- if there's information you want me</p> <p>12 to have, please let me know.</p> <p>13 MR. RIELA: Okay. I'll send you stuff. But</p> <p>14 again, for the record, we believe that these were monies --</p> <p>15 again, these were examples of other income. It's not just</p> <p>16 limited to that and that were not listed in Item Number 5 in</p> <p>17 the statement of financial affairs. I'll move --</p> <p>18 MS. SCOTT: Well, let me just -- let me just</p> <p>19 interject --</p> <p>20 MS. KIRBY: (indiscernible) as to what happened</p> <p>21 and what should be listed. But I wish you had called me</p> <p>22 first because this is taking a very long time and it's not</p> <p>23 supposed to.</p> <p>24 MS. SCOTT: Well, I just want to interject. This</p> <p>25 is Shannon Scott, for the U.S. Trustee --</p>	<p style="text-align: right;">Page 32</p> <p>1 several other entities and trusts very briefly here. To the</p> <p>2 extent -- just so Ms. Scott and the creditors on the phone</p> <p>3 and Ms. Kirby, you said you're hearing this for the first</p> <p>4 time.</p> <p>5 Mr. Acker, do you have a benefit interest in a</p> <p>6 1987 life insurance trust?</p> <p>7 MR. ACKER: I don't know at his juncture based on</p> <p>8 the way they've been running --</p> <p>9 MR. RIELA: Do you know what the value of that</p> <p>10 current -- of that interest in that trust might be?</p> <p>11 MR. ACKER: No. But anything related to the</p> <p>12 Estate of Stanley Acker, any companies or anything that</p> <p>13 you're going to ask me about, as I said, I do not have any</p> <p>14 definitive information because, as I've said, they've</p> <p>15 manipulated the numbers from the get-go. So I can't give</p> <p>16 you any information. I would strongly recommend that you</p> <p>17 send it to Dawn in writing so we could do some research.</p> <p>18 MR. RIELA: I guess you'll have the same answer, I</p> <p>19 suppose, with respect to the Stanley Acker Marital Trust, a</p> <p>20 different trust?</p> <p>21 MR. ACKER: That's correct.</p> <p>22 MR. RIELA: Do you also bear an interest in the</p> <p>23 Stanley Acker Marital Trust?</p> <p>24 MR. ACKER: Yes. Karen and David have full</p> <p>25 control of that trust. I have no idea what they've done</p>
<p style="text-align: right;">Page 31</p> <p>1 MR. RIELA: (indiscernible)</p> <p>2 MS. SCOTT: Hello. This is Shannon Scott, for the</p> <p>3 U.S. Trustee. I do believe a \$530,000 distribution two</p> <p>4 years prior to the filing should be listed. I won't</p> <p>5 identify where at this point.</p> <p>6 But that is something that I believe would</p> <p>7 interest creditors. I just wanted to state that on the</p> <p>8 record, and I understand, Ms. Kirby, you may not have the</p> <p>9 information. But that seems like something the Debtor would</p> <p>10 remember of receiving such a large distribution. I just</p> <p>11 wanted to put that on the record.</p> <p>12 MR. ACKER: Well, let me -- can I mention one</p> <p>13 thing?</p> <p>14 MS. SCOTT: Yes. Go ahead.</p> <p>15 MR. ACKER: I can tell you that I've had no money</p> <p>16 and the attorney that's been working on the estate for me</p> <p>17 who's been working part-time, she's been -- when there's</p> <p>18 been any distributions, she's taken over 60 percent of any</p> <p>19 distributions that have come to me in legal fees, put it</p> <p>20 into her accounts and then she took the money and then it</p> <p>21 was distributed to me and then the monies that -- whatever</p> <p>22 monies were left from any distributions I received were</p> <p>23 basically to pay down all credit cards and all debt that I</p> <p>24 was able to pay down at that time, if that helps.</p> <p>25 MR. RIELA: I'm going to go through the next</p>	<p style="text-align: right;">Page 33</p> <p>1 with it.</p> <p>2 MR. RIELA: And I notice in Schedule Number 25,</p> <p>3 you state that your interest in the Revocable Inter Vivos</p> <p>4 Stanley Acker Settlor Trust is unknown. Do you have an</p> <p>5 estimate as to how much your interest in that entity would</p> <p>6 be?</p> <p>7 MR. ACKER: I still do not have information on</p> <p>8 that. I'm sorry.</p> <p>9 MS. KIRBY: You know, I object to this. This is -</p> <p>10 - your clients are controlling these items. So Mr. Acker,</p> <p>11 the Debtor, just testified he's been blacked out from all of</p> <p>12 this information. They're in possession of it. This is not</p> <p>13 a proper questioning for a 341 meeting, and I wish you would</p> <p>14 have called me first because I would have loved to talk</p> <p>15 these issues through instead of ambushing us at the 341</p> <p>16 meeting.</p> <p>17 MR. RIELA: Ms. Scott, if I may proceed, just a</p> <p>18 few more questions. Here again, I think this may be helpful</p> <p>19 for understanding perhaps the full scope of Mr. Acker's</p> <p>20 assets or potential assets.</p> <p>21 MS. SCOTT: Okay. That was Ms. Kirby speaking.</p> <p>22 And yes, you can -- this is Shannon Scott. You can ask a</p> <p>23 few more questions. That's fine.</p> <p>24 MR. RIELA: Okay. Thank you, Ms. Scott. I'll be</p> <p>25 very brief here.</p>

<p style="text-align: right;">Page 34</p> <p>1 Mr. Acker, did you incorporate an entity called</p> <p>2 IMA Construction Corp.?</p> <p>3 MR. ACKER: That's my wife's company.</p> <p>4 MR. RIELA: Do you own any equity interest in</p> <p>5 that?</p> <p>6 MR. ACKER: No. I do not.</p> <p>7 MR. RIELA: Did you ever own equity interest in</p> <p>8 that entity?</p> <p>9 MR. ACKER: There is no equity. I would say I'm</p> <p>10 uncertain at this point in the very, very beginning prior to</p> <p>11 2006.</p> <p>12 MR. RIELA: Did you ever transfer equity -- any</p> <p>13 equity interest in that company to your wife?</p> <p>14 MR. ACKER: I don't have an answer to that because</p> <p>15 the company's hers. I just don't know how it was</p> <p>16 transferred over.</p> <p>17 MR. RIELA: So you're saying it was transferred</p> <p>18 over?</p> <p>19 MR. ACKER: I think initially I opened it up. But</p> <p>20 that was 20, 30 years ago probably and then there was a</p> <p>21 reasoning. I mean, I had a near fatal bout of cancer in</p> <p>22 2002 and that's what triggered the protection of what I had</p> <p>23 to my wife because we weren't sure how the cancer situation</p> <p>24 was going to pan out.</p> <p>25 MR. RIELA: Thank you. In early 2021, around</p>	<p style="text-align: right;">Page 36</p> <p>1 that's easy (indiscernible) --</p> <p>2 MR. RIELA: Do you have an interest in an entity</p> <p>3 called Galaxy Fine Art which held a Star Trek collection?</p> <p>4 MR. ACKER: No. I do not.</p> <p>5 MR. RIELA: Did you ever have an interest in such</p> <p>6 an entity?</p> <p>7 MR. ACKER: In the very -- prior to 2002, I</p> <p>8 probably did.</p> <p>9 MR. RIELA: And you do not own that entity</p> <p>10 anymore?</p> <p>11 MR. ACKER: No. I do not.</p> <p>12 MR. RIELA: Well, this entity apparently held a</p> <p>13 Star Trek collection. Do you have any estimate as to what</p> <p>14 the value of that collection was?</p> <p>15 MR. ACKER: I'd have to search that out. That's</p> <p>16 many years.</p> <p>17 MR. RIELA: Do you recall representing to anyone,</p> <p>18 either verbally or in writing, that the collection was worth</p> <p>19 approximately \$1.5 million?</p> <p>20 MR. ACKER: I don't know. As I said --</p> <p>21 MS. KIRBY: That's a very broad question. Who did</p> <p>22 -- who was he speaking to?</p> <p>23 MR. RIELA: Does he remember telling anybody that</p> <p>24 he believes that the value of the Star Trek collection was</p> <p>25 around \$1.5 million?</p>
<p style="text-align: right;">Page 35</p> <p>1 February of 2021, did IMA Construction sell its assets,</p> <p>2 specifically a property located at 50 Tranquility Road?</p> <p>3 MR. ACKER: That's -- again, that's my wife's</p> <p>4 company. So you're asking me something that's not mine.</p> <p>5 MR. RIELA: You do not know the answer to that</p> <p>6 question?</p> <p>7 MR. ACKER: I don't want to speak for my wife.</p> <p>8 MS. KIRBY: He's answered the question.</p> <p>9 MR. RIELA: I'm curious as to --</p> <p>10 MR. ACKER: I believe the house was sold. I know</p> <p>11 the house was sold. That was the asset. But I'm not sure</p> <p>12 of the date. That's the only problem. I don't know if it</p> <p>13 was '20 or '21 or earlier.</p> <p>14 MR. RIELA: Okay. Regardless of the date for now,</p> <p>15 which you can certainly take a look at, do you know</p> <p>16 approximately what that property was sold for?</p> <p>17 MR. ACKER: It was under 500. It was like</p> <p>18 \$400,000-and-something, I think, if I can remember</p> <p>19 correctly.</p> <p>20 MR. RIELA: What happened to that money? What</p> <p>21 happened to that money?</p> <p>22 MR. ACKER: As I said, it's my wife's --</p> <p>23 MS. KIRBY: Only if you know. That's a very</p> <p>24 specific question, and only if you know. Don't guess.</p> <p>25 MR. ACKER: I have no -- I don't know. I mean,</p>	<p style="text-align: right;">Page 37</p> <p>1 MS. KIRBY: You know what --</p> <p>2 MR. ACKER: I have no --</p> <p>3 MS. KIRBY: -- we're in a 341 meeting. We're</p> <p>4 talking about a company that he just testified he hasn't</p> <p>5 owned for decades and you're asking about the assets of a</p> <p>6 company he does not own and has not owned for decades.</p> <p>7 That's not a proper question here. It's not proper.</p> <p>8 MR. RIELA: We'd be interested in knowing about</p> <p>9 when he transferred that entity and what consideration he</p> <p>10 received. Ms. Scott, I have a few more questions. Sorry to</p> <p>11 take a little while. But there is a lot here, certainly by</p> <p>12 way of assets that don't appear to have been disclosed. Mr.</p> <p>13 Acker --</p> <p>14 MS. KIRBY: I think this might be more appropriate</p> <p>15 for a 2004 order. It's been an hour. You're asking about</p> <p>16 assets he does not own so far.</p> <p>17 MR. RIELA: Obviously, Ms. Scott, you're the</p> <p>18 presiding officer. I think the intent is to take a Rule</p> <p>19 2004 examination in any event. But the focus of this has</p> <p>20 been in connection with (indiscernible) --</p> <p>21 MS. SCOTT: I'll allow for a few more questions.</p> <p>22 MS. KIRBY: Well, if you're going to do it anyway,</p> <p>23 then why do it twice?</p> <p>24 MR. RIELA: I'm sorry. Ms. Scott was speaking.</p> <p>25 MS. SCOTT: I'll allow for a few more questions.</p>

<p style="text-align: right;">Page 38</p> <p>1 I do think while some questions may be a little bit of a</p> <p>2 fishing expedition, I do think there are relevant questions</p> <p>3 with regard to any interest or distributions. If you can</p> <p>4 stay on that line of questioning, that would be great.</p> <p>5 MR. RIELA: Yes. Of course I will. I will. Mr.</p> <p>6 Acker, in Schedule A, Item 33, you list that you have no</p> <p>7 claims against third parties. Do you have a lawsuit pending</p> <p>8 against Harley-Davidson pertaining to your accident, your</p> <p>9 motorcycle accident?</p> <p>10 MR. ACKER: No. That's --</p> <p>11 MS. KIRBY: Again, I'm sorry -- there is an</p> <p>12 amendment we need to make. I was contacted by Michael</p> <p>13 Greenspan, who's a local personal injury attorney who I've</p> <p>14 known from other cases. There was a lawsuit that I didn't</p> <p>15 put in the schedules, and I'm sorry, I should have said at</p> <p>16 the beginning that's another retention application we've</p> <p>17 been working on.</p> <p>18 And there's a small tort lawsuit and a products</p> <p>19 liability which Mr. Greenspan told me realistically</p> <p>20 ultimately it has zero value whatsoever and he wants to</p> <p>21 continue it. And I told him that we would need court</p> <p>22 authority to do that first. So you'll see papers on that.</p> <p>23 MR. RIELA: Okay. Thank you, Ms. Kirby. I won't</p> <p>24 phrase this as a question in the interest of time but more</p> <p>25 of a statement because it relates to something that Mr.</p>	<p style="text-align: right;">Page 40</p> <p>1 that sale?</p> <p>2 MR. ACKER: What do you mean exchange? He sold</p> <p>3 the Porsche for me so I could pay bills.</p> <p>4 MR. RIELA: Okay. How much did he sell it for?</p> <p>5 I'm sorry. I should have phrased it that way. How much did</p> <p>6 he sell the Porsche for?</p> <p>7 MR. ACKER: I think for \$40 -- for \$40,000 or</p> <p>8 \$45,000 I think he sold it for.</p> <p>9 MR. RIELA: When did that sale take place?</p> <p>10 MR. ACKER: That I can't tell you off the top of</p> <p>11 my head. I know it was quite a few years ago.</p> <p>12 MR. RIELA: Did you own -- did you own any other</p> <p>13 cars or other vehicles during the last two years?</p> <p>14 MR. ACKER: The truck and that's it, the 2001</p> <p>15 Suburban.</p> <p>16 MR. RIELA: Did you ever receive a distribution of</p> <p>17 Elian (ph) jewel cases containing things like diamonds and</p> <p>18 other precious gems?</p> <p>19 MR. ACKER: Yes. I did. That was also -- that</p> <p>20 stuff was used to pay bills as well and all related to the</p> <p>21 estate.</p> <p>22 MR. RIELA: Okay, and which did you receive</p> <p>23 (indiscernible) --</p> <p>24 MR. ACKER: Karen and David know the date on that.</p> <p>25 I'm not sure. They have the records.</p>
<p style="text-align: right;">Page 39</p> <p>1 Acker had said earlier in connection with an answer to Ms.</p> <p>2 Scott's question.</p> <p>3 There's actually additional litigation in which</p> <p>4 Mr. Acker is involved not listed in Item Number 9 in the</p> <p>5 statement of financial affairs, particularly with respect to</p> <p>6 a litigation regarding a 1987 trust and also in connection</p> <p>7 with the Estate of Stanley Acker, litigation which actually</p> <p>8 is not pending anymore. There actually was a judgment that</p> <p>9 was entered in February of 2020. So just to clarify the</p> <p>10 record with respect to those litigations.</p> <p>11 MS. KIRBY: I will add that I spoke at length with</p> <p>12 Donna Solomon, Ms. Acker's counsel in the Florida estate</p> <p>13 matter and was not -- I guess you just said that these were</p> <p>14 litigations that aren't pending any longer. I wasn't</p> <p>15 alerted as to anything (indiscernible) but again you have</p> <p>16 (indiscernible) sorry, my microphone just broke. If you</p> <p>17 have a different opinion or there's a lawsuit in Florida</p> <p>18 that Ms. Solomon didn't advise me of, please let me know.</p> <p>19 MR. RIELA: Thank you. Mr. Acker, on Question</p> <p>20 Number 3 of Schedule A, you list a 2001 Chevy Suburban and a</p> <p>21 trailer. Have you ever owned a Porsche automobile?</p> <p>22 MR. ACKER: Yes.</p> <p>23 MR. RIELA: What happened to it?</p> <p>24 MR. ACKER: My son sold the Porsche to pay bills.</p> <p>25 MR. RIELA: What was (indiscernible) exchange for</p>	<p style="text-align: right;">Page 41</p> <p>1 MR. RIELA: So you do not own that jewelry</p> <p>2 anymore?</p> <p>3 MR. ACKER: As soon as it came in, it was used to</p> <p>4 pay bills, just like all the other distributions.</p> <p>5 MR. RIELA: Okay (indiscernible) --</p> <p>6 MR. ACKER: I'm sorry. Go ahead.</p> <p>7 MR. RIELA: Oh, no. Go ahead. You were still</p> <p>8 answering the question. Please, go ahead.</p> <p>9 MR. ACKER: No. I was just saying that any</p> <p>10 distributions that have taken place, any, have all been to</p> <p>11 pay bills and/or legal fees and mostly in the legal fee</p> <p>12 area. I mean, I think the estate, I think Karen and David</p> <p>13 have surpassed \$8 or \$9 million themselves to fight me.</p> <p>14 MR. RIELA: Did you obtain certain property, real</p> <p>15 property from the Estate of Stanley Acker in or about August</p> <p>16 of 2020?</p> <p>17 MR. ACKER: The date, I don't know. But the</p> <p>18 property I received, 3 percent of that property went to the</p> <p>19 attorney and the rest went to pay bills.</p> <p>20 MR. RIELA: When did you -- when did you sell that</p> <p>21 property?</p> <p>22 MR. ACKER: You'd have to talk to Karen and David.</p> <p>23 They know when I got the -- I basically slipped it after the</p> <p>24 estate (indiscernible) --</p> <p>25 MR. RIELA: Would it be fair to estimate around</p>

<p style="text-align: right;">Page 42</p> <p>1 2020?</p> <p>2 MR. ACKER: No comment. I honestly can't tell you</p> <p>3 the date on that. All I know is the monies were used to pay</p> <p>4 bills, whatever was left.</p> <p>5 MR. RIELA: Okay. So (indiscernible) I'll just</p> <p>6 note they should have been on Title 5, the statement of</p> <p>7 financials. But it wasn't. Let me take a look here.</p> <p>8 MR. ACKER: That's -- it was within the period</p> <p>9 (indiscernible) okay. Go ahead.</p> <p>10 MR. RIELA: Okay. In question -- sorry, the</p> <p>11 answer to Question Number 21 on Schedule A, you state that</p> <p>12 you have no retirement or pension accounts; is that correct?</p> <p>13 MR. ACKER: That's correct.</p> <p>14 MR. RIELA: Did your father give you an IRA that</p> <p>15 was valued maybe somewhere around \$300,000 around 2016?</p> <p>16 MR. ACKER: No recollection, and if he did, the</p> <p>17 monies, whatever monies I had were all used to pay legal</p> <p>18 fees and my bills. So it is what it is.</p> <p>19 MR. RIELA: You remember -- you remember receiving</p> <p>20 an IRA (indiscernible) --</p> <p>21 MR. ACKER: I don't remember 2016. I'm sorry.</p> <p>22 MR. RIELA: Did you list all of your guns on</p> <p>23 Schedule A, Item Number 10? You list three Glockes.</p> <p>24 Anything more?</p> <p>25 MR. ACKER: That's correct. That's what I --</p>	<p style="text-align: right;">Page 44</p> <p>1 what you're asking?</p> <p>2 MR. RIELA: I'm not asking about -- we're talking</p> <p>3 about transfers of material assets. Let's see here. We're</p> <p>4 talking about transfers of real material assets, equity in</p> <p>5 businesses, houses, guns, anything like that during the last</p> <p>6 six years.</p> <p>7 MS. KIRBY: So from 2014 to current, to today?</p> <p>8 MR. RIELA: Yes. Yes.</p> <p>9 MR. ACKER: That's going back too far. And</p> <p>10 anything that I do is always done -- is always checked with</p> <p>11 my accountant to make sure that any transfers are done</p> <p>12 appropriately and based on IRS rules and laws.</p> <p>13 MR. RIELA: In 2019, did you transfer the title --</p> <p>14 did you and your wife transfer the title at 47 Tranquility</p> <p>15 to just your wife only?</p> <p>16 MR. ACKER: Yes, we did.</p> <p>17 MR. RIELA: Why did you --</p> <p>18 MR. ACKER: Because at that point, as I said, most</p> <p>19 of the assets -- first, 2019, I had a near fatal accident</p> <p>20 and I'm a hundred percent disabled at this point and still</p> <p>21 uncertain about where it was going to go, and that's why</p> <p>22 that asset was switched over to her in 2019.</p> <p>23 MR. RIELA: Right before you switched over that</p> <p>24 asset, again, 47 Tranquility from joint ownership between</p> <p>25 you and your wife to just your wife, did a law firm calls</p>
<p style="text-align: right;">Page 43</p> <p>1 nothing more.</p> <p>2 MR. RIELA: Did you ever own more guns than that?</p> <p>3 MR. ACKER: Probably prior to 2002. But whatever</p> <p>4 additional firearms I had, I gave them to my son and my</p> <p>5 wife.</p> <p>6 MR. RIELA: When did you give those guns to your</p> <p>7 son and your wife?</p> <p>8 MR. ACKER: Well, prior to 2002.</p> <p>9 MR. RIELA: Have you ever transferred assets to --</p> <p>10 have you ever transferred assets to your wife, your children</p> <p>11 or other family members or friends during the last six</p> <p>12 years?</p> <p>13 MS. KIRBY: That's pretty broad. That could be a</p> <p>14 present. Can you narrow what you're asking, please? Is</p> <p>15 there something specific on the schedules you're referring</p> <p>16 to?</p> <p>17 MR. RIELA: Yeah. I think with respect to the</p> <p>18 statement of financial affairs, it asks for a one-year</p> <p>19 lookback with respect to transfers. I asked for six years</p> <p>20 given that it's the old New York state fraudulent transfer.</p> <p>21 MS. KIRBY: So excluding gifts or do you want to</p> <p>22 know (indiscernible) --</p> <p>23 MR. RIELA: Excluding gifts to minors</p> <p>24 (indiscernible) --</p> <p>25 MS. KIRBY: (indiscernible) can you please specify</p>	<p style="text-align: right;">Page 45</p> <p>1 Rogers, Habas & Eisen obtain a judgment against you?</p> <p>2 MR. ACKER: Yes. At that point they felt they had</p> <p>3 money due and owing to them. I didn't have the necessary</p> <p>4 funds to defend myself and the judge -- at that point we</p> <p>5 ended up putting it back in both names because it wasn't</p> <p>6 worth the fight or -- I didn't have the monies to fight it</p> <p>7 basically.</p> <p>8 MR. RIELA: So do I have it right that you made</p> <p>9 the transfer -- you and your wife made the transfer of the</p> <p>10 property in 2019 -- I'm sorry, 2018, forgive me -- to both</p> <p>11 you, to just your wife after this judgment was entered and</p> <p>12 then later actually your wife then transferred it back with</p> <p>13 you jointly.</p> <p>14 MR. ACKER: Yes, because it wasn't worth the -- we</p> <p>15 didn't have the money to fight it and (indiscernible) just</p> <p>16 to transfer it back than to fight it on a legal basis.</p> <p>17 MR. RIELA: Did a court order you to -- did any</p> <p>18 court order Ms. Acker, your wife, to transfer the property</p> <p>19 back to both --</p> <p>20 MS. KIRBY: This is far beyond the scope of a 341</p> <p>21 meeting. This is not in the schedules or statements of</p> <p>22 financial affairs. Court orders are a matter of public</p> <p>23 record. So feel free to look it up.</p> <p>24 MR. RIELA: All right. I think this will be my</p> <p>25 last question and then we'll be doing a Rule 2004 motion, or</p>

<p style="text-align: right;">Page 46</p> <p>1 the Davidoff firm will. Do you owe your brother -- I'm 2 sorry, your father's brother, your uncle, Robert Acker, any 3 money? 4 MR. ACKER: No. I do not. 5 MR. RIELA: I think that is all that I have here, 6 Ms. Scott and Ms. Kirby. Thank you very much for -- 7 MS. SCOTT: Okay. Thank you. All right. I'm 8 going to keep the meeting open, and I will adjourn it for 9 two weeks from today. I need it -- I need a DIP account -- 10 proof of opening a DIP account. Let me just get my calendar 11 up. 12 Okay. August 3rd at 2 o'clock, and also 13 classification, I believe, on the insurance and if there are 14 any amendments, I may want to review them and ask some 15 questions at that time. So if you don't mind being 16 available, and at this time, I am adjourning the 341 17 meeting. 18 MS. KIRBY: Ms. Scott? 19 MS. SCOTT: Yes. 20 MS. KIRBY: I'm so sorry. 21 MS. SCOTT: It's okay. 22 MS. KIRBY: I have an appearance before Judge 23 Kinsella in the Northern District -- 24 MS. SCOTT: Okay. 25 MS. KIRBY: -- on a contested motion to appoint a</p>	<p style="text-align: right;">Page 48</p> <p>1 MS. SCOTT: Okay. All right. At this time, 2 adjourning the meeting, the 341 meeting to August 8th, at 3 2:00. Everyone have a nice afternoon. Thank you. 4 MS. KIRBY: Thank you. 5 6 7 8 CERTIFICATION 9 10 I, Sonya Ledanski Hyde, certified that the foregoing 11 transcript is a true and accurate record of the proceedings. 12 13 14 15 Sonya Ledanski Hyde 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 47</p> <p>1 Chapter 11 trustee at 1 o'clock on August 3rd. 2 MS. SCOTT: All right. You -- 3 MS. KIRBY: So I guess I can (indiscernible) -- 4 MS. SCOTT: You want to do it -- 5 MS. KIRBY: (indiscernible) definitely be more 6 than an hour. 7 MS. SCOTT: Okay. Do you want to do it the 10th? 8 That way we can ensure that everything -- that has plenty, 9 plenty of time for any -- 10 MS. KIRBY: Could we do like the 8th or -- 11 MS. SCOTT: Yeah. Well -- 12 MS. KIRBY: Or even Tuesday, the 2nd -- 13 MS. SCOTT: How about the -- how about the 4th? 14 Thursday, the 4th? 15 MS. KIRBY: Well, if I do not win the motion to 16 appoint the trustee, then the movant is going to take 17 depositions of my clients all before -- 18 MS. SCOTT: Okay. All right. Did you say 19 Tuesday, the 9th is okay? 20 MS. KIRBY: No. The 9th and 11th, I'm away on 21 vacation. But I could do the 8th or I could do the 2nd. 22 MS. SCOTT: All right. We'll do the 8th at 2:00. 23 Is everyone okay with that schedule if necessary? 24 MR. RIELA: I'll defer to the Davidoff firm. 25 MR. RATTET: Yeah. That's fine.</p>	<p style="text-align: right;">Page 49</p> <p>1 2 Veritext Legal Solutions 3 330 Old Country Road 4 Suite 300 5 Mineola, NY 11501 6 7 Date: July 25, 2022 8 9 10 (Whereupon these proceedings were concluded at 11 0:00 PM) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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2	C E R T I F I C A T I O N		
3	I, Sonya Ledanski Hyde, certified that the foregoing		
4	transcript is a true and accurate record of the proceedings.		
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6	<i>Sonya M. Ledanski Hyde</i>		
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1.5 11:10 12:19 36:19,25	2020 28:22 29:14 39:9 41:16 42:1	4 10:13	9 39:4 41:13
1.5. 11:25	2021 21:21 28:13,18 29:13 34:25 35:1	4.8 20:1	900 2:19
10 42:23	2022 1:16 4:6 19:11 49:7 51:25	40 40:7	9th 47:19,20
10014 1:15 2:6	2022 1:16 4:6 19:11 49:7 51:25	40,000 40:7	a
10022 2:20	21 21:22 28:19 35:13 42:11	400 21:25	able 31:24
1006 1:14 2:5	22-22359 1:3 4:7	400,000 35:18	accident 14:23 15:14 20:24 21:7 22:15 38:8 38:9 44:19
10158 3:6	2305 5:1 7:14	45,000 40:8	account 8:21,21 9:1,7,8,11 28:12 46:9,10
10583 2:13	237 2:12	47 10:25 13:8 23:5 24:16,21 44:14,24	accountant 44:11
10927 5:2 7:15	2375 7:16	4th 47:13,14	accounts 9:4 24:15 31:20 42:12
10th 2:5 47:7	25 33:2 49:7 51:25	5	accurate 48:11 51:4
11 22:24 47:1	25,000 18:15	5 29:8 30:5,16 42:6	acker 1:7 2:18 2:18,18 3:4,4 4:7,24,24 5:1,1 5:9,15,22,25 6:9 7:4,5,6,9,14,14 7:20,22,25 8:3,5 8:12,16,19,23 9:1,3,5,20,22 10:1,5,9,25 11:3 11:5,8,13,16,19 11:21 12:3,5,7,9
11501 49:5 51:23	27,000 22:15	50 22:1 35:2	
11th 47:20	2:00 47:22 48:3	500 35:17	
12151 51:6	2:04 1:17 4:6	530,000 29:11 31:3	
19 21:22 27:8	2nd 47:12,21	6	
1987 32:6 39:6	3	6 23:11	
2	3 12:10 39:20 41:18	60 31:18	
2 46:12	3,048 29:10	605 3:5	
20 1:16 4:6 21:22 28:20 29:9 34:20 35:13	3,400 17:14	66,475.28. 13:19	
2001 39:20 40:14	30 34:20	699,000 13:9	
2002 34:22 36:7 43:3,8	30,443 29:9	7	
2004 37:15,19 45:25	300 49:4 51:22	70,244.02 13:19	
	300,000 42:15	700 2:12	
		716 15:4	

12:17,24 13:2 13:11,17,22 14:2,3,5,8,12,15 14:19 15:2,7,11 15:16,19 16:5 16:11,14,16,20 16:22 17:1,6,10 17:14,18,22,25 18:5,8,12,13,21 18:23,25 19:1,3 19:5,9,13,15,15 19:17,22 20:2,3 20:5,7,10,13,16 20:18 21:3,6,13 21:18,19,22,25 22:5,8,13,21,25 23:3,25 24:1,4,7 24:21 25:1,4,6 25:11,17,20,24 26:1,4,6,12,13 26:19 27:2,13 28:6,11,12,14 28:15,19,23 29:8,11,12 31:12,15 32:5,7 32:11,12,19,21 32:23,24 33:4,7 33:10 34:1,3,6,9 34:14,19 35:3,7 35:10,17,22,25 36:4,7,11,15,20 37:2,13 38:6,10 39:1,4,7,19,22 39:24 40:2,7,10 40:14,19,24 41:3,6,9,15,17 41:22 42:2,8,13 42:16,21,25 43:3,8 44:9,16 44:18 45:2,14	45:18 46:2,4 acker's 24:8 33:19 39:12 action 17:21 18:12 actions 18:10 add 39:11 additional 13:14 39:3 43:4 address 4:21 5:17 7:12 17:11 adjourn 46:8 adjourning 46:16 48:2 adjustments 27:18 administration 4:13 advance 29:18 advise 39:18 affairs 26:16,22 27:7 29:7,14 30:17 39:5 43:18 45:22 affirm 7:7 afternoon 4:5,23 5:20 7:20 48:3 agencies 14:9 agent 10:10,12 aggressive 21:16 ago 12:12 25:1,2 25:17,22 34:20 40:11 agreed 28:5 ahead 4:25 5:5 23:3 25:5 31:14 41:6,7,8 42:9 aisner 2:10 5:6 7:21	alerted 39:15 alimony 30:5 allow 37:21,25 ambushing 33:15 amending 15:24 amendment 8:10 38:12 amendments 8:1 46:14 american 16:12 amount 13:6,8 13:14,19,19 16:11 analyst 15:21 annual 21:20 answer 5:11 19:5 26:6,8 27:4 27:11 28:23 30:9 32:18 34:14 35:5 39:1 42:11 answered 7:10 15:22 35:8 answering 41:8 answers 29:1 anybody 7:2 36:23 anymore 36:10 39:8 41:2 anyway 37:22 apparent 10:17 apparently 36:12 appeal 21:13,13 appear 4:14 37:12 appearance 5:13 7:18 46:22	appearances 4:19 5:18 application 38:16 appoint 46:25 47:16 appreciate 29:5 29:21 appropriate 37:14 appropriately 44:12 approved 23:18 23:19 approximately 13:9 25:6,8 29:11 35:16 36:19 area 41:12 arrange 10:11 art 36:3 asked 9:5 26:24 43:19 asking 12:13,14 12:21,23 26:25 27:5,9 29:6 35:4 37:5,15 43:14 44:1,2 asks 43:18 asset 23:5 35:11 44:22,24 assets 22:17 26:17 28:7 33:20,20 35:1 37:5,12,16 43:9 43:10 44:3,4,19 astray 28:1 attempt 21:11 attorney 2:4,11 2:18 4:8 13:24
---	--	--	---

18:15 31:16 38:13 41:19 attorneys 3:4 august 41:15 46:12 47:1 48:2 authority 38:22 authorized 8:13 auto 9:25 automobile 39:21 available 46:16 avenue 2:19 3:5 aware 27:24	38:16 believe 10:6 15:21 21:3,22 28:19 29:14 30:14 31:3,6 35:10 46:13 believed 9:7 believes 36:24 belongs 8:9 benefit 29:6 32:5 benefits 29:9,10 30:6 best 5:10 beyond 45:20 bills 16:14,19 39:24 40:3,20 41:4,11,19 42:4 42:18 bit 6:20 7:11 17:8 23:11 38:1 bites 23:9 blacked 33:11 boned 18:13 bout 34:21 breaking 7:11 brief 33:25 briefly 32:1 broad 27:3 36:21 43:13 broke 5:9 17:8 39:16 broker 22:16 23:7 25:12,12 brother 46:1,2 brought 9:6 business 16:3 22:3 businesses 15:23 16:3 22:6 26:3	26:18 27:10,14 44:5 buyer 23:12	chevy 39:20 child 30:5 children 43:10 chubb 18:11,16 18:24 citron 3:3 6:4 claim 13:7,15,18 claiming 11:24 11:24 claims 13:5,9,18 13:21 19:6 38:7 clarify 5:16 9:2 10:9 15:20 16:1 39:9 classification 46:13 cleaned 25:14 clear 5:12 6:1 clearer 7:17 clients 9:5 33:10 47:17 close 5:11 closed 27:20 code 4:12,14 collected 22:20 22:21 collection 36:3 36:13,14,18,24 come 26:2 31:19 comes 27:13 comment 42:2 comp 15:15 companies 27:20,20 32:12 company 8:8 18:18,19,19,23 22:9,22 34:3,13 35:4 37:4,6 company's 34:15
b	b	c	
b 1:23 back 9:10 44:9 45:5,12,16,19 background 19:25 balance 18:16 bank 8:21,21,23 9:10,15 24:14 banked 9:3 bankruptcy 1:1 4:13,14,15 8:18 9:6 based 26:7 32:7 44:12 basically 14:23 21:1 27:22 31:23 41:23 45:7 basis 27:24 45:16 beach 20:10,13 20:14 bear 11:19 13:3 32:22 beginning 25:12 25:24 34:10		c 2:1 3:1 4:1 48:8,8 51:1,1 calendar 46:10 call 8:7 9:4,12 10:11 29:17 called 12:12 26:11 30:21 33:14 34:1 36:3 calls 44:25 cancer 34:21,23 car 18:14 card 16:7,9,9,18 cards 31:23 care 9:13 cars 40:13 case 1:3 4:7,15 6:14,18 8:14 19:8,11,15,16 21:10 cases 4:13 38:14 40:17 cash 13:23 catastrophic 14:21 cc 27:23 certain 41:14 certainly 35:15 37:11 certified 48:10 51:3 change 8:6 chapter 22:24 47:1 chase 9:3 checked 44:10	

compensation 14:25 15:6 18:17 completely 14:5 complicated 10:6 component 4:9 computer 13:4 concluded 49:10 confirm 10:23 21:17 confused 12:18 confusing 10:18 connection 26:21 37:20 39:1,6 consideration 37:9 construction 34:2 35:1 consulting 8:8 contacted 38:12 containing 40:17 contested 46:25 continue 28:4 38:21 continuously 25:23 contract 23:18 control 32:25 controlling 33:10 corp 8:8 34:2 correct 8:15 11:2,5,11,15,18 12:2 13:1,2,10 13:11 14:16 15:7,15,16 16:4 16:5 17:18 18:8	19:8,12,13 20:20,21 21:18 21:19 25:4,24 32:21 42:12,13 42:25 correctly 12:6 19:5 35:19 counsel 4:21 6:11,11,16 21:4 21:6 24:7 39:12 country 49:3 51:21 county 14:9 couple 24:21 course 38:5 court 1:1 20:9 21:12 23:18,19 24:4 38:21 45:17,18,22 credit 16:7,9,9 16:18 31:23 creditor 13:9 24:1,2 creditors 1:20 5:18 6:2 13:5,17 23:15,21 31:7 32:2 cross 19:6 curious 26:20 35:9 curley 2:10 5:6 7:21 current 7:12 11:17,25 12:15 25:12,13 32:10 44:7 currently 14:4 15:14 cut 14:13	d d 4:1 13:5 50:1 date 17:20,22 29:3 35:12,14 40:24 41:17 42:3 49:7 51:25 david 2:18 3:4 5:22,24 6:4,9,17 6:21 23:25 26:8 27:17 32:24 40:24 41:12,22 davidoff 3:3 6:4 6:16 46:1 47:24 davidson 38:8 dawn 2:15 5:4,6 7:20 8:3,4 9:2 10:8 23:2,3 29:24 32:17 day 12:12 days 20:22,23 20:25 deal 21:8 debt 20:1 23:1 31:23 debtor 1:9 2:11 4:14,17,20,22 5:7 7:3,19,21 8:10,21 9:7 12:16 15:23 16:2,3,6,8 31:9 33:11 debtor's 4:21 5:17 8:9 23:4 decades 37:5,6 decisions 27:23 deep 25:13 default 21:2 defend 20:25 45:4	defendant 19:2 defense 21:8 defer 47:24 definitely 47:5 definitive 32:14 department 2:3 4:10 deposition 28:3 depositions 47:17 derived 13:20 describe 14:18 15:1 destroyed 21:1 detail 8:7 14:20 detailed 28:25 determine 27:11 28:6 dialed 5:24 diamonds 40:17 different 9:15 32:20 39:17 difficult 27:16 digits 7:13,16 diligence 26:21 dip 9:1,4 46:9,10 directly 16:2 22:3 disability 14:18 15:8,10,12 disabled 14:5,7 44:20 disclosed 28:7 37:12 dispute 20:17,19 20:21 21:12 22:17 distribute 23:13 distributed 31:21
---	--	--	--

distribution 29:3 31:3,10 40:16 distributions 28:11,14 31:18 31:19,22 38:3 41:4,10 district 1:2,13 46:23 dividends 30:7 docket 19:19 documents 7:23 8:14 9:8 10:11 10:12,13,23 24:4,7 doing 27:17 45:25 donna 39:12 don't 11:22 13:13 16:16 17:5 18:2 21:3 21:14,15 22:25 24:1,5 27:4,16 28:19,19 29:2 29:21 30:3 32:7 34:14,15 35:7 35:12,25 36:20 37:12 41:17 42:21 46:15 drive 5:1 7:15 due 26:20 45:3 duval 3:10 6:6	early 34:25 easy 36:1 effective 6:15 efficient 6:21 eisen 19:14 45:1 either 15:9 22:3 36:18 elaborate 22:12 elian 40:17 email 24:12,18 employer 15:1,9 22:19 employer's 18:19 ended 45:5 engaged 14:10 23:7 ensure 47:8 entered 39:9 45:11 entire 11:11 entirety 11:7 entities 32:1 entitled 21:23 entity 26:11 33:5 34:1,8 36:2 36:6,9,12 37:9 equity 34:4,7,9 34:12,13 44:4 escort 22:14 established 8:20 estate 17:24 19:17 20:1,18 20:20 21:17 23:7 27:16 31:16 32:12 39:7,12 40:21 41:12,15,24 estate's 26:7	estimate 33:5 36:13 41:25 event 37:19 everybody 29:6 examination 4:16 37:19 examined 4:15 example 5:8 examples 30:15 exchange 39:25 40:2 excluding 43:21 43:23 existing 9:5 expedition 38:2 expenses 16:7 explain 6:10,13 explanation 19:25 extent 32:2	february 35:1 39:9 federal 24:8,14 fee 41:11 feel 21:9 27:17 45:23 feels 18:16 fees 13:24 31:19 41:11 42:18 fellow 9:10 felt 20:20,21 45:2 fight 41:13 45:6 45:6,15,16 figure 10:8 file 21:21 filed 8:17 13:15 21:20 24:4 filing 9:6 31:4 filings 8:13 finalize 23:8 financial 24:15 26:16,22 27:7 29:7,14 30:17 39:5 43:18 45:22 financials 42:7 find 23:12 26:14 29:1 fine 28:5 33:23 36:3 47:25 firearms 43:4 firm 5:21 6:15 6:17 27:18 44:25 46:1 47:24 first 10:12 12:18 24:20 30:22 32:3 33:14 38:22 44:19
e		f	
e 1:23,23 2:1,1 3:1,1 4:1,1 48:8 50:1 51:1 earlier 17:11 24:22 26:2 35:13 39:1		f 1:23 48:8 51:1 failure 14:21 21:10 fair 41:25 fairly 19:12 family 24:23 25:9 26:4 28:12 28:15 29:12 43:11 far 20:19 28:1 37:16 44:9 45:20 fatal 14:22,23 20:24 34:21 44:19 father 21:18 42:14 father's 46:2	

fishing 38:2 five 25:20,22 floor 2:5 23:21 florida 39:12,17 focus 37:19 focused 24:3 follow 28:8 29:4 following 24:6 foreclosure 17:21 foregoing 48:10 51:3 forget 24:6 forgive 45:10 found 19:24 four 7:12,16 20:22,23,25 25:1,2,6 fraudulent 43:20 free 45:23 friday 6:16 friends 43:11 front 12:10 full 7:12 10:23 32:24 33:19 funds 45:4	43:6 given 43:20 glocks 42:23 glucksman 3:8 6:3,5,8 go 4:25 5:5,19 10:12,14 18:10 23:3 25:5 31:14 31:25 32:15 41:6,7,8 42:9 44:21 goal 23:12 god 20:18 going 5:13 6:17 8:10 9:18 14:20 15:4,24 18:15 21:8 23:20 24:3 25:25 31:25 32:13 34:24 37:22 44:9,21 46:8 47:16 good 4:5,23 5:20 7:20 13:16 great 38:4 greenspan 38:13 38:19 guess 11:23 24:5 32:18 35:24 39:13 47:3 guns 42:22 43:2 43:6 44:5	happy 29:4 harley 38:8 haverstraw 5:2 7:15 17:10,10 head 28:24 29:2 40:11 hear 18:4 20:11 28:18 heard 7:3 17:9 18:2,3 hearing 4:11 32:3 held 36:3,12 hello 4:2 31:2 helpern 2:17 5:21 23:24 helpful 33:18 helps 31:24 high 11:22 hirschtritt 2:17 5:22 hit 18:14 home 16:24 homeowner's 9:25 10:4,5,7,19 honestly 42:2 hour 37:15 47:6 house 6:16 25:13,16 35:10 35:11 houses 44:5 hundred 44:20 hutcher 3:3 6:4 hyde 3:25 48:10 48:15 51:3,8	ima 34:2 35:1 include 12:20 including 29:6 income 15:13,18 29:8 30:6,15 incorporate 34:1 incorporated 27:10 indicate 4:18 indirectly 16:3 22:4 indiscernible 6:7 8:24 10:13 10:14,19 11:21 12:5 14:12 15:3 15:3 16:11,12 16:16 17:6,7 18:1 19:9 21:16 22:9 24:17 27:24 29:9,15 30:20 31:1 36:1 37:20 39:15,16 39:25 40:23 41:5,24 42:5,9 42:20 43:22,24 43:25 45:15 47:3,5 individual 12:15 18:14 individually 22:2 individuals 22:6 information 13:14 28:2 29:4 29:17,20 30:3 30:11 31:9 32:14,16 33:7 33:12
g 4:1			
galaxy 36:3			
gambling 30:8			
gems 40:18			
general 13:21			
generally 29:1			
getting 10:22			
19:20 27:25			
gifts 43:21,23			
give 4:3 17:16			
18:12 19:21,25			
32:15 42:14			
	h		
	habas 19:14		
	45:1		
	half 11:25 25:17		
	hand 7:4		
	handle 6:21		
	happened 14:18		
	21:1 30:20		
	35:20,21 39:23		
		i	
		idea 26:7 32:25	
		identify 31:5	
		idi 15:21	

initially 34:19	items 33:10	12:5,9 13:13	lawsuits 30:7
injury 38:13	i'm 12:5 14:13	15:24 19:23	leave 9:18 10:7
instructor 14:20	26:20	23:2,4,15,17	leaving 6:15
insurance 9:20	j	24:9,11,17,18	ledanski 3:25
9:22,23,24 10:1	james 3:8 6:5	26:25 27:3,25	48:10,15 51:3,8
10:2,3,10,12,18	jersey 14:21	28:17,25 29:16	left 27:22 31:22
10:19,20 18:11	15:4	29:20,24,24	42:4
18:15,18,19,19	jewel 40:17	30:2,11,20 31:8	legal 18:10
18:23 22:9,22	jewelry 41:1	32:3 33:9,21	21:16 31:19
32:6 46:13	job 6:16	35:8,23 36:21	41:11,11 42:17
intent 37:18	joint 11:2,24	37:1,3,14,22	45:16 49:2
inter 33:3	44:24	38:11,23 39:11	51:20
interest 11:14	jointly 45:13	43:13,21,25	length 39:11
16:2 23:11 26:3	judge 45:4 46:22	44:7 45:20 46:6	level 26:20
26:11,17 27:9	judgment 19:7	46:18,20,22,25	27:10
28:12,13 29:12	20:5,6,7,15 21:2	47:3,5,10,12,15	liability 38:19
29:12 30:7 31:7	21:12 39:8 45:1	47:20 48:4	life 9:22 10:1
32:5,10,22 33:3	45:11	know 7:10 9:4	32:6
33:5 34:4,7,13	judicial 4:12	11:22 13:13,16	limited 26:4,5
36:2,5 38:3,24	july 1:16 4:5	18:2 22:25	26:12 28:12,15
interested 37:8	49:7 51:25	26:10 27:4,13	29:12 30:16
interests 22:3	juncture 32:7	29:2 30:4,4,12	line 6:5,7 14:11
interject 30:19	justice 2:3 4:10	32:7,9 33:9	23:25 38:4 50:4
30:24	k	34:15 35:5,10	list 10:25 11:17
internal 13:18	karen 2:18 3:4	35:12,15,23,24	13:6,8,17 16:7
investment	5:22,23 6:3,4,8	35:25 36:20	38:6 39:20
13:23	6:17,20 23:24	37:1 39:18	42:22,23
involved 6:14,19	26:8 27:17	40:11,24 41:17	listed 8:8 11:10
15:23 39:4	32:24 40:24	41:23 42:3	12:1 13:1,7
involvement	41:12,22	43:22	18:10 20:1
6:20	keep 46:8	knowing 37:8	25:19,21 30:16
ira 42:14,20	kind 5:9 8:23	known 38:14	30:21 31:4 39:4
iras 13:23	10:7 12:17	knows 23:17	litigated 20:9
irs 13:21 44:12	kinsella 46:23	l	litigation 39:3,6
issue 23:1	kirby 2:10,15	large 31:10	39:7
issued 21:12	4:3,23,25 5:4,4	law 4:16 5:21	litigations 39:10
issues 33:15	5:6,6,6 7:18,20	6:15 44:25	39:14
item 10:25 30:16	7:20 8:4,4,6 9:2	laws 44:12	little 6:19 7:11
38:6 39:4 42:23	9:15 10:9,17,22	lawsuit 38:7,14	10:5 17:8 23:10
		38:18 39:17	37:11 38:1

live 16:24 17:3,5 17:5 24:23 lived 25:9 living 16:23 llp 2:10,17 3:3 local 38:13 located 35:2 location 17:7 long 8:9 14:10 25:18 30:22 longer 24:23 39:14 look 26:13,23 30:10 35:15 42:7 45:23 lookback 43:19 looking 12:11 30:4 lot 5:11 29:20 37:11 lottery 30:8 loved 33:14 lurch 27:22	matters 6:20 max 3:10 6:6 maxed 18:15 mean 6:11 12:19 14:24 23:1,4 34:21 35:25 40:2 41:12 means 11:8 medical 9:25 meeting 1:20 4:6 5:23 6:22,23 9:18,19 15:22 28:1,3 33:13,16 37:3 45:21 46:8 46:17 48:2,2 members 43:11 mention 31:12 messed 8:24 22:16 michael 2:22 5:21 6:14 23:23 24:9,11 38:12 microphone 39:16 million 11:11 12:19 36:19,25 41:13 mind 19:24 46:15 mine 18:21 35:4 mineola 49:5 51:23 minors 43:23 minute 12:22 missing 10:15 mistakenly 8:7 money 21:15 22:7,8,9 28:9 30:7 31:15,20 35:20,21 45:3	45:15 46:3 monies 30:14 31:21,22 42:3 42:17,17 45:6 monthly 16:7,9 17:13 mortgage 11:21 12:3,14,18,20 12:22 13:6 17:19 motion 45:25 46:25 47:15 motorcycle 14:20,21 22:10 22:13 38:9 movant 47:16 move 24:24 30:17 moved 25:9,15 msa 8:8	new 1:2,13,15 2:6,6,20 3:6 5:2 7:15 11:1 14:9 14:20 43:20 nice 48:3 non 15:23 16:3 27:9 northern 46:23 note 42:6 notes 13:4 notice 16:6 33:2 number 4:7 13:15 27:8 29:8 30:5,16 33:2 39:4,20 42:11 42:23 numbers 32:15 ny 1:15 2:13,20 49:5 51:23
m		n	o
ma'am 7:25 8:16 15:19 main 23:1 manipulated 32:15 marital 32:19,23 mark 1:7 4:7,24 4:25 5:1 6:3 7:14 18:11,24 19:15 market 23:6 market's 23:10 material 44:3,4 matter 1:5 19:16 19:17 20:15,18 39:13 45:22		n 2:1 3:1 4:1 48:8 50:1 51:1 name 4:8,21 5:20 7:12 named 8:8 names 4:17 45:5 narrow 43:14 national 18:11 near 14:22,23 20:24 34:21 44:19 necessary 45:3 47:23 need 8:10 10:11 10:22 38:12,21 46:9,9 needed 13:23 never 19:18,24 22:22	o 1:23 4:1 48:8 51:1 o'clock 46:12 47:1 oath 4:15 object 33:9 obtain 41:14 45:1 obviously 12:19 24:3 37:17 occupation 14:4 offense 21:9 offers 23:9 office 1:12 4:9 15:21 officer 4:11 14:8 37:18 officers 27:19 oh 4:25 13:16 19:20,24 20:18

28:19 41:7 okay 5:3,8,15 6:1,1,8,10,25 7:2,3,6,10,14 8:12,17,25 9:14 9:17,20 10:4,16 10:21,21,24,24 11:4,6,10,17 12:4,24 13:3,4 13:12,16,16 14:1,6,10,17,24 15:5,13,20 16:6 16:15,21 17:2 17:12,12,16,19 17:24 18:6,18 18:24 19:4,11 19:14,20,24,24 20:5,6,8,14,17 21:2,4,17,20,23 22:2,11,19,23 23:14,20 24:13 24:13,20 25:2,8 28:22 30:13 33:21,24 35:14 38:23 40:4,22 41:5 42:5,9,10 46:7,12,21,24 47:7,18,19,23 48:1 old 43:20 49:3 51:21 ones 26:2 open 9:18 10:24 23:20 46:8 opened 9:7,11 34:19 opening 46:10 opinion 39:17 opinions 20:19	order 22:23 37:15 45:17,18 orderly 5:19 orders 45:22 owe 22:6 46:1 owed 22:8 owing 45:3 owned 11:1 37:5 37:6 39:21 owner 27:21 ownership 16:2 22:3 44:24	patrol 18:13 pay 12:3 13:24 16:17 17:4,9 22:15 31:23,24 39:24 40:3,20 41:4,11,19 42:3 42:17 paying 12:20 17:23 payments 16:7,9 16:9,10 pays 16:14,16 16:18 17:14 pdf 12:9 penalties 13:24 pending 20:16 38:7 39:8,14 pension 30:6 42:12 people 29:1 percent 23:11 31:18 41:18 44:20 percentage 10:6 11:25 12:14,23 perfect 6:24 performed 26:21 performing 26:21 period 13:22 42:8 person 5:19 personal 9:22 13:21 22:14 38:13 personally 24:1 persons 4:17 pertaining 38:8	petition 8:21 15:25 16:8 petitions 7:23 8:2,13 ph 40:17 phh 13:6 phone 4:20 5:11 6:2 32:2 phrase 38:24 phrased 40:5 place 20:23 40:9 41:10 please 4:21 7:3 7:12,18 18:12 28:2 29:16 30:3 30:12 39:18 41:8 43:14,25 plenty 47:8,9 pm 49:11 point 11:23 19:23 26:1 31:5 34:10 44:18,20 45:2,4 pointe 5:1 7:15 police 14:8,19 22:9,13 porsche 39:21 39:24 40:3,6 portion 11:18 12:1,15,25 position 20:24 possession 8:21 9:8 30:2 33:12 post 2:12 8:20 potential 33:20 precious 40:18 premises 17:3 prepared 26:15 27:6
	<p style="text-align: center;">p</p> p 2:1,1 3:1,1 4:1 p.m. 1:17 4:6 page 10:13,13 10:14 12:10 20:3 50:4 pages 10:10 paid 17:20,22 22:22 palisades 14:22 palm 20:10,13 20:14 pan 34:24 papers 23:8 38:22 parkway 14:22 part 21:7 22:11 31:17 particular 27:8 27:11 particularly 39:5 parties 20:21 38:7 partner 26:4 partnership 26:5,11,12 28:13,15 29:12		

prepetition 6:20 9:3 15:14 23:6 present 43:14 presently 9:20 presiding 4:10 37:18 pretty 43:13 prior 14:6 28:20 31:4 34:10 36:7 43:3,8 priority 13:19 probably 34:20 36:8 43:3 problem 19:22 24:19 35:12 proceed 5:19 33:17 proceedings 48:11 49:10 51:4 proceeds 23:13 products 38:18 proof 9:6 13:14 46:10 proper 33:13 37:7,7 property 11:1 11:11 13:6,8 17:4,17,20 18:6 23:7,12 24:16 24:22,24,25 25:19 35:2,16 41:14,15,18,18 41:21 45:10,18 protection 34:22 provided 9:8 29:13 public 30:6 45:22	publicly 27:9 purportedly 27:21 purpose 9:18 28:6 pursuant 4:12 put 5:10 14:18 14:21 22:25 31:11,19 38:15 putting 45:5	reach 30:3 read 7:22 real 17:24 23:6 41:14 44:4 realistically 38:19 really 27:15 29:21 reason 6:12 21:9 29:5 reasonable 18:17 reasoning 34:21 recall 12:11 36:17 receive 14:25 15:4,8 28:16 40:16,22 received 27:21 28:10,11,14 29:11 31:22 37:10 41:18 receiving 31:10 42:19 recollection 42:16 recommend 32:16 record 4:5 5:16 7:13,19 16:1 30:14 31:8,11 39:10 45:23 48:11 51:4 recorded 4:16 records 29:10 40:25 referring 43:15 reflect 4:5 refund 21:25	refunds 21:24 regard 38:3 regarding 4:15 39:6 regardless 35:14 regards 20:18 20:19 27:2,15 relate 24:21 related 7:23 8:14 27:16 32:11 40:20 relates 38:25 relevant 38:2 remember 31:10 35:18 36:23 42:19,19,21 removed 19:18 27:19 rent 17:2,3,4,9 17:12 rental 30:6 renter 25:15 renter's 9:25 10:18 renters 25:11,13 reorganize 22:24 repeat 26:19 report 24:16 represent 4:18 6:3,17 24:1 representing 5:7 5:22 7:21 21:4,6 23:24 36:17 request 24:6 required 4:14 research 32:17 residence 16:23 respect 5:23 27:8 28:8,9
	q		
	qualify 30:8 question 12:6,12 12:22 27:3,12 28:8,18 29:8 30:4 35:6,8,24 36:21 37:7 38:24 39:2,19 41:8 42:10,11 45:25 questioning 4:17 6:22 33:13 38:4 questions 19:21 23:22 24:3,5,21 26:2 29:1 33:18 33:23 37:10,21 37:25 38:1,2 46:15 quite 23:6 40:11		
	r		
	r 1:23 2:1 3:1 4:1 48:8 51:1 raise 7:3 raised 7:5 range 27:20 rates 23:11 rattet 3:9 6:5,7 47:25		

32:19 39:5,10 43:17,19 rest 41:19 retention 23:8 38:16 retirement 42:12 returns 21:21 24:14 revenue 13:18 review 26:17 27:11 46:14 revocable 33:3 riela 2:22 5:20 5:21 6:13,14 7:1 23:23,24 24:10 24:13,20 25:2,5 25:8,15,18,21 25:25 26:10,15 26:20 27:6 28:5 28:16,22 29:5 29:19,23 30:1 30:10,13 31:1 31:25 32:9,18 32:22 33:2,17 33:24 34:4,7,12 34:17,25 35:5,9 35:14,20 36:2,5 36:9,12,17,23 37:8,17,24 38:5 38:23 39:19,23 39:25 40:4,9,12 40:16,22 41:1,5 41:7,14,20,25 42:5,10,14,19 42:22 43:2,6,9 43:17,23 44:2,8 44:13,17,23 45:8,17,24 46:5 47:24	right 4:4,4 5:13 6:24 7:4 12:13 12:21 14:3 18:9 23:16 29:25 30:1,4 44:23 45:8,24 46:7 47:2,18,22 48:1 road 2:12 10:25 13:8 24:16,22 35:2 49:3 51:21 robert 2:18 3:9 5:24 6:5 23:25 46:2 rochelle 19:15 rockland 14:8 rogers 19:14 45:1 room 1:14 round 5:1 7:15 royalty 30:7 rule 37:18 45:25 rules 44:12 rulings 50:3 run 20:20 26:7 running 32:8	12:9 16:8 26:1 26:15,22 27:6,7 28:7 29:13 38:15 43:15 45:21 scope 33:19 45:20 scott 1:24 2:8 4:2,4,8 5:3,5,8 5:16,20 6:1,10 6:24 7:2,6,10,17 7:22 8:1,12,17 8:20,25 9:14,17 9:24 10:4,16,21 10:24 11:4,6,10 11:14,17,20,23 12:4,11,13,21 12:25 13:3,12 13:16 14:1,3,6 14:10,13,17,24 15:5,8,13,17,20 16:6,13,15,18 16:21,23 17:2,8 17:12,16,19,24 18:2,6,9,18,22 18:24 19:2,4,6 19:11,14,20,23 20:4,6,8,11,14 20:17 21:2,4,11 21:17,20,23 22:2,6,11,19,23 23:4,14,16,20 23:23 24:23 26:3 29:7,23 30:18,24,25 31:2,2,14 32:2 33:17,21,22,24 37:10,17,21,24 37:25 46:6,7,18 46:19,21,24	47:2,4,7,11,13 47:18,22 48:1 scott's 39:2 search 36:15 second 4:3 11:19 17:16 19:21 secured 13:5,7,9 security 7:13 15:11 29:9,10 30:5 see 6:23 19:11 38:22 44:3 sell 23:12 25:14 35:1 40:4,6 41:20 send 24:11,18 28:2 29:16,22 30:13 32:17 sent 10:10 service 13:18 services 13:6 set 10:12 19:20 settlor 33:4 shannon 1:24 2:8 4:8 30:25 31:2 33:22 showing 23:7 signature 51:6 signed 7:24 significant 23:5 silent 13:4 sir 28:1 situation 34:23 six 20:4 43:11 43:19 44:6 sixteen 20:4 slipped 41:23 small 16:11 23:9 38:18
	s		
	s 2:1 3:1 4:1 sale 23:18 25:19 40:1,9 satisfied 19:18 saying 22:19 34:17 41:9 says 18:24 19:2 scarsdale 2:13 schedule 13:5 27:8 33:2 38:6 39:20 42:11,23 47:23 schedules 7:23 8:2,13 11:1 12:2		

social 7:13 15:11 29:9,10 30:5 softened 23:10 sold 35:10,11,16 39:24 40:2,8 solid 23:10 solomon 39:12 39:18 solutions 49:2 51:20 somebody 9:6 son 39:24 43:4,7 sonya 3:25 48:10,15 51:3,8 soon 41:3 sorry 11:9 12:5 14:13 16:13 17:8 18:2 20:11 22:12 25:5,7 26:19 28:17,24 29:23,23 33:8 37:10,24 38:11 38:15 39:16 40:5 41:6 42:10 42:21 45:10 46:2,20 sounds 29:17 sources 15:17 southern 1:2,13 speak 35:7 speaker 5:9,10 speaking 33:21 36:22 37:24 specific 6:11,12 26:1,17 28:17 28:17,25 35:24 43:15 specifically 26:25 28:9 35:2	specify 27:3 43:25 split 12:19 spoke 39:11 squad 18:14 ssdi 15:11,15 stanley 20:2 21:18 26:4,12 28:12,15 29:11 32:12,19,23 33:4 39:7 41:15 star 36:3,13,24 start 4:20 state 4:17,21 7:12 15:9 20:9 24:14 31:7 33:3 42:11 43:20 statement 27:7 29:7,14 30:17 38:25 39:5 42:6 43:18 statements 7:23 8:2,14 24:15 26:16,22 45:21 states 1:1,12 2:3 4:9,12 stating 15:24 status 17:21 18:12 19:7 stay 38:4 steven 1:7 4:7 stock 27:9 street 1:14 2:5 strongly 32:16 stuff 13:25 23:19 27:14,23 30:13 40:20 subject 19:16 20:15	suburban 39:20 40:15 successfully 22:24 suffern 11:1 17:17,20 suite 2:5 49:4 51:22 supervises 4:13 supervisor 9:12 support 30:5 suppose 32:19 supposed 22:15 30:23 sure 6:13 9:11 10:7 11:8,20 26:9 29:19 30:8 34:23 35:11 40:25 44:11 surpassed 41:13 swear 5:17 7:6 switched 44:22 44:23 syracuse 2:17 5:21	44:4 tannenbaum 2:17 5:21 23:24 tax 13:21 21:20 24:14 taxes 17:24,25 18:7 technically 12:14 tell 7:7 31:15 40:10 42:2 telling 36:23 ten 10:10 tenancy 11:6,24 tenant 11:2 testified 15:22 24:22 26:2 33:11 37:4 thank 6:2,24 7:2 7:17,21,22 13:17 23:23 24:16,20 29:16 33:24 34:25 38:23 39:19 46:6,7 48:3,4 thing 5:8 10:14 31:13 things 10:14 29:2,25 40:17 think 6:5 17:25 18:3 21:25 25:20 27:19,25 28:20,20 33:18 34:19 35:18 37:14,18 38:1,2 40:7,8 41:12,12 43:17 45:24 46:5 third 2:19 3:5 38:7
		t	
		t 18:13 48:8,8 51:1,1 tail 20:22 take 4:19 5:13 5:18 6:16 9:13 12:18 35:15 37:11,18 40:9 42:7 47:16 taken 31:18 41:10 talk 9:12 33:14 41:22 talking 27:15 29:22 37:4 44:2	

thirty 14:12,13 14:14,15,15,17 20:4 thought 6:21 three 20:23 42:23 thursday 47:14 time 4:6,19 8:2,9 8:22 14:5 21:5,7 21:7 23:6,20 30:22 31:17,24 32:4 38:24 46:15,16 47:9 48:1 title 24:15 42:6 44:13,14 today 4:5 5:23 6:17,19 44:7 46:9 today's 6:22,22 told 25:12 26:22 38:19,21 top 28:23 29:2 40:10 tort 38:18 totally 28:5 traded 27:9 trailer 10:2,3 39:21 tranquility 10:25 13:8 23:5 24:16,22 35:2 44:14,24 transcribed 3:25 transcript 48:11 51:4 transfer 34:12 43:20 44:13,14 45:9,9,16,18	transferred 34:16,17 37:9 43:9,10 45:12 transfers 43:19 44:3,4,11 trek 36:3,13,24 trial 4:8 20:22 20:23,23,25 tried 21:13 triggered 34:22 truck 40:14 true 48:11 51:4 trust 32:6,10,19 32:20,23,25 33:4 39:6 trustee 1:12,25 2:4 4:9,13 30:25 31:3 47:1,16 trustee's 15:21 trusts 32:1 truth 7:7,7,8 try 5:19 trying 10:8 tuesday 47:12 47:19 turn 25:25 twice 37:23 two 6:11 14:9 15:4 18:5,6,11 20:21 24:8 25:11 31:3 40:13 46:9 type 9:20,24	uncertain 34:10 44:21 uncle 5:24 23:25 46:2 unclear 9:9 understand 5:23 31:8 understanding 33:19 undertake 26:16 unemployment 30:6 unincorporated 27:10 uninsured 18:20 united 1:1,12 2:3 4:9,12 unknown 26:6 33:4 unsecured 13:18 20:1 use 9:15 10:10	vivos 33:3
		v	w
		v 18:11,24 19:14 vacant 17:17,18 vacation 47:21 value 11:10,11 11:18,25 12:1 12:15,25 32:9 36:14,24 38:20 valued 42:15 varick 1:14 2:5 vehicle 10:2,2 22:14 vehicles 40:13 verbally 36:18 veritext 49:2 51:20 village 18:14	want 5:18 13:13 15:20 16:1 18:9 27:18 29:24 30:11,24 35:7 43:21 46:14 47:4,7 wanted 31:7,11 wants 38:20 way 14:25 26:7 32:8 37:12 40:5 47:8 we've 10:8 23:19 38:16 weeks 15:4 46:9 welcome 7:1 went 8:6 9:5,10 12:12 22:17 41:18,19 west 20:10,13,14 whatnot 5:17 whatsoever 38:20 when's 29:3 wife 8:9 10:9 11:4 15:22 16:14,18,24 17:14,22 24:24 25:22 34:13,23 35:7 43:5,7,10 44:14,15,25,25 45:9,11,12,18 wife's 16:3 27:14 34:3 35:3 35:22 willing 24:18 win 47:15 winnings 30:8

wish 8:1 23:21 30:21 33:13	7:15 11:1 14:9 43:20
work 10:22 11:22 14:11,25 21:14 22:14 24:12,19	z
worked 14:9 worker's 15:5 15:14 working 9:13 23:8 31:16,17 38:17 works 15:1 worth 36:18 45:6,14 writing 32:17 36:18	zero 38:20
x	
x 1:4,11 50:1	
y	
y 6:2 yeah 8:5 9:24 10:1,1 12:7 14:19 16:22 18:5 19:3,9 23:17 30:10 43:17 47:11,25 year 25:17 26:5 43:18 yearly 29:8 years 14:15,15 14:17 18:5,6 24:8 25:1,2,7,20 25:22 31:4 34:20 36:16 40:11,13 43:12 43:19 44:6 york 1:2,13,15 2:6,6,20 3:6 5:2	